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THE CRIMINAL MIND

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THE CRIMINAL MIND

FROM THE FRENCH

OF

DR. MAURICE DE FLEURY

AUTHOR OF
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CONTENTS

PAGE

INTRODUCTION ix

CHAPTER I.

THE BRAIN OF MAN.

Knowledge of cerebral anatomy and physiology henceforth indispensable to the study of psychology—Cerebral localizations; sensation and movement—The cerebral cell; the neuron—Collateral fibres and neurons of association; mechanism of the association of images and ideas—The fundamental *rôle* of memory—Monism and dualism: incarnation of the mind in the nervous system of man; the duration of psychical acts . . . 1

CHAPTER II.

THE HUMAN PERSON.

The actual definition of the faculties of the mind—Personality—The maladies of Personality—Azam, M. Ribot, M. Pierre Janet and the narrowing of the field of consciousness: investigation of hysteria—Modifications of Personality in neurasthenic patients; hierarchy of the emotions . . . 23

CHAPTER III.

FREE WILL.

The doctrine of free choice: its proof by "strong inner sense"—Mechanism of judgment; three stages: (1) an impulse, a sensation which tends to become

PAGE

an act ; (2) the placing on a parallel with, and strife between that actual sensation and the whole of the sensations stored within us and preserved by memory ; (3) the victory of impulse over memory and of memory over impulse—The struggle for life in the domain of images and ideas—That which determines our acts—Free Will and cerebral physiology 43

CHAPTER IV.

CRIME, REMORSE, AND THE IDEA OF JUSTICE.

The primitive reign of the rude reflex—The idea of crime and the idea of punishment are conceptions of the state of society—Remorse : the opinion of Herbert Spencer, of Alexander Bain, and of Alfred Fouillée—Remorse and our present knowledge of psycho-physiology—Crime without remorse and remorse without crime : examples of neurasthenic subjects who have scruples, and melancholic and epileptic subjects who feel remorse—Is it well that the truth in these matters should be told?—The idea of justice ; hypothesis of its divine origin ; hypothesis of its human origin 61

CHAPTER V.

THE IDEA OF RESPONSIBILITY.

John Stuart Mill, the Turinese school, Herbert Spencer, Alfred Fouillée, Paulhan, Gabriel Tarde—Discussion of examples—Responsibility, function of antipathy and of identity—Increasing importance of cerebral pathology—The mechanism of relations—Conditions of production of a crime ; the share of heredity and the share of education in the genesis of the deed—The example of Caillard—Must the principle of moral responsibility be maintained?—The true *rôle* of the judge ; it does not consist of discriminating between degree and extent in punishment, but really : (1) in putting it out of the criminal's power to do farther harm ; (2) in

PAGE

substituting the magistrate's impartiality for the wrath of those who are injured; (3) in feigning to punish, in order to intimidate evildoers . . 83

CHAPTER VI.

THE REPRESSION OF CRIME.

The sum of the preceding leads us to the conclusion that the domain of criminal anthropology properly so called is being restricted, while that of criminal sociology and psychology in particular is being amplified—Impossibility of a thorough reform of the Criminal Code at present—Organization of a more competent assize jurisdiction—Creation of hospital-prisons for insane criminals or neuropaths of the worst classes—The efficiency of intimidation—The prison of Fresnes-lez-Rungis—The Death Penalty; the opinion of M. Tarde; multiplication of capital executions and mitigation of their methods 120

CHAPTER VII.

THE PROPHYLAXIS OF EVIL.

How humanity preserves itself from infectious diseases—Scientific study of the conditions of the production of evil alone can lead to a preservative hygiene and to a rational prophylaxis—How a struggle may be made: firstly, against heredity: by decreasing infectious maladies likely to produce irritation of the cerebral surface or rupture of the fibres of association; by fighting against tuberculosis, syphilis, and, above all, against alcoholism; secondly, against bad example—The utility of instruction; the pause of a reflex is the beginning of wisdom; the necessary passage from force to ruse—Religious education—Institutions for the preservation and the rescue of children: these have already done much for the prophylaxis of evil—But it is not enough to snatch these young brains from bad examples, they must also be cared for; hence it is necessary to create dispensaries

PAGE

for nervous children—Treatment of narrowing of the field of consciousness ; treatment of emotional oscillation—A colonial army of "*mauvais sujets*" —Conclusion : on the whole, the negation of Free Will and moral responsibility leads us, not to the suppression of all social preservation, but, on the contrary, to a much more complex, much less cruel, and much more efficacious organization of our means of defence against malefactors ; it leads no longer so much to blind repression as to preservation—Morality is the necessary outcome of scientific truth 149

INTRODUCTION

It is my purpose to state here, in the simplest and clearest form, the sum of our most recently-acquired and most certain information respecting the structure and the action of the brain of Man, in order that we may ascertain to what extent these new ideas—I mean those which we may regard as finally accepted, and henceforth incontestable—are calculated to modify the received and current ideas upon crime, the criminal, and penal legislation.

For thirty years physiologists and physicians have been engaged, even more assiduously than lawyers and philosophers, in ploughing that old field of human knowledge anew, in turning-up the dry and dusty soil so as to bring the deep mould to the surface, more fresh and fruitful. Why should it be surprising that a doctor should again put in his word.

I do not, however, disguise from myself that the task is not a grateful one.

The modern scientific ideas concerning the criminal brain are displeasing to the great majority of magistrates and jurists, and are most strenuously repudiated by those who have had no leisure to study them otherwise than superficially. These personages have been brought up in a firmly-fixed belief in Free Will, and accustomed from their school-time to regard that faith as fundamental and indispensable to the proper working of civilized society; nothing can be less surprising than their refusal to adopt new theories, which, being accepted, might give encouragement to evil. Let it be observed also that these doctrines seem to tend towards the restriction of the *rôle* of the jurist and the magistrate respectively, and to diminish the importance of their office and rank, by regarding them no longer as judges discerning the intentions of men, and appointed to punish those who have voluntarily chosen the path of evil, but simply as defenders of public order and the civic peace.

Their repugnance is quite natural, and deserving of respect, and it is supported and fortified by popular feeling and the opinion of the greater number.

When the newspapers report a monstrous crime, with a hundred sensational details, a great

many men and almost all women come to regard it as a personal wrong, on which each individual, reflecting that he or she, or their kin might have been the victims of the deed, invokes vengeance. Thus it is that we constantly find the primitive instinct, the savage need to imitate the act, to return blow for blow, to "lynch," as the American phrase puts it, springing up again in our society, which thinks itself highly civilized. Even in France, as each new crime is committed, women may be heard to scream out that the malefactor ought to be flayed alive, or burned at a slow fire! The police who capture a political criminal, or even a common offender in the street, in the act of his crime, will sometimes find all their strength requisite to prevent the crowd from executing him off hand.

Legislation, wiser than the crowd, defers that vengeance, and—by the fact of the lapse of time between the hour of the crime and the hour of judgment—cools down the public mind to some extent. In the Cour d'Assises, however, the idea of vengeance still abides behind the idea of justice. We instinctively refuse to regard that bestial, sanguinary, hideous being, here disarmed and in our power, who is so repugnant to us, as one sick and irresponsible. His aspect is not that

of disease: he does not inspire pity. In order to lay hold of money that he might glut his appetite for base pleasures he has committed murder, with premeditation, and under horrible circumstances; the cynical coolness of his present bearing is exasperating. And here come doctors, talking to us, without being asked, of determinism and fatality, of mind-sickness inherited or acquired! Why, this "savant," who would curb the vehemence of our natural feelings by argument, who thinks he can divert our just vengeance by a philosophic discussion, and wants to snatch its prey from our legitimate craving to punish, is a nuisance, an intruder, almost an accomplice. All the worthy chroniclers in the daily papers under the heading "Tribunaux" know very well that they would no longer retain their public, if they were to adopt these subversive ideas, and that a woeful falling off in circulation would be the result.

Now it is this fixed attitude of mind which I venture to attack. I risk the attempt with good hope, however, avoiding the harshness and impatience which so frequently defeat good causes, and being persuaded, moreover, that in this quarrel, as in so many others, grievous and carefully prolonged misunder-

standing rather than definitive incompatibility exists.

Perfect fairness of mind and lofty conscientiousness are unfailing characteristics of the legal profession[1] in France. Let some authentic facts be set before them with simplicity, clearness, and sincerity, let conviction and that feeling of security which sound knowledge alone can procure for the right-minded be brought to them, let there be no falling into the absurd, from immoderate attachment to theories, and from that isolation, out of contact with real life, in which too many philosophers do their thinking—even to the point of appearing to sympathize with the worst malefactors to the detriment of honest people—and we shall find a great number of the most conservative magistrates coming over to our side, without enthusiasm, it may be, but in all sincerity.

Perhaps the sole cause of the existing disagreement between jurists and savants is insufficient explanation only. Like many innovators, anthropologists and neurologist physicians have been too anxious to prove everything at once: they have proceeded from the offset to extreme consequences, an infallible means of bringing about

[1] *Gens de robe.*

a movement of recoil. It is characteristic of really scientific innovations to be not radical but progressive; and to proceed, not by jerks, but by hardly perceptible transitions, after the fashion of nature. I do not think it would be wise to propose violent revolutions in moral customs (*mœurs*), for nothing that is to be lasting is very quickly accomplished, and radicalism is generally the father of reaction. The brilliant anthropologists of the Italian school, and also some French savants have departed too long from method, which is the condition of all progress.

Besides, I do not intend to support and defend all the modern theories of the criminalist doctors. I begin by saying that some among them have deceived themselves very seriously, and that not only have they fallen into the error of hasty generalization, but they have been guilty of the more serious fault of mal-observation. Lombroso's anatomical type of the born criminal is now only a dream of that genial, but disorderly, chaotic, and sketchy brain. All the logic of a Garofalo, all the subtlety, vigour, and acuteness of an Enrico Ferri can only end, starting from that basis, in insecure systematization. Only a few years have elapsed, and their constructions, here and there, are falling into ruin. I shall not then

be found blindly enthusiastic about new theories, and in this work I mean to explain only those, which, far from being frittered away in the lapse of time, recruit fresh adepts year by year in every land where men think.

On the other hand, let it be granted to me that in too many instances the magistrates of our time may fairly be accused of lukewarmness, of indolent attachment to the *status quo*, in a word, of mental sloth. Many of them, relying upon their learning in civil law, have not taken the trouble to read the deeply interesting works that have been written since the publication of *L'Uomo delinquente* by Cesare Lombroso. To that celebrated work, although perhaps it may not deserve all the stir which it caused, the great merit of stirring up new ideas, making them seethe and swarm, and giving rise to a whole generation of philosophical thinkers on crime and punishment, must be attributed. Our magistrates have rather "heard tell" of all this great movement, this noble agitation of men's minds, than taken personal cognizance of the facts, and they have been only too quick to reject ill-apprehended theories, on the pretext that their practical consequences may perhaps involve social catastrophes. And, pray, why change that which

has been going on for such a length of time in so regular a manner? This too convenient indifference is indeed a soft pillow, but not destined to aid sweet slumber very much longer in these days of stern truth.

It must be said in excuse for the conservative magistrates—I mean those who are imbued with the classic doctrines on Free Will and the right of punishment—that, to begin with, they came into rude collision with the exclusive, silly, and false notion of the born criminal set forth by Lombroso, which was revolting to common sense. The first article of faith which they were asked to admit is blind belief in the anatomical type of the criminal, in a structure of man which implies fatality, the necessity of stealing or killing at some time or other. This was too much for neophytes, they refused to go any farther. In vain did the disciples of the Turinese school, Enrico Ferri, Garofalo, Sergi, Morselli, Ottolenghi, and Virgilio multiply their most convincing works; in vain did some French savants, especially those of the Lyonese school, replace the question upon its true ground, and assign its share in the genesis of evil to the social element; in vain did philosophers such as Alfred Fouillée, and physiologists such as M. Binet give due importance to the new ideas; in vain

did M. Gabriel Tarde contribute the inexhaustible resources of a profound, lucid, and ingenious mind and the charm of an eloquent style to this discussion. A legend had been set going and it prevailed: even now many enlightened minds, deceived by that legend, hold that modern scientific ideas upon crime and the criminal are, in the domain of justice, the equivalent of anarchist, or at the least of collectivist, ideas in the domain of politics.

I desire to aid in dispelling that legend by the present little work.

My readers will very soon discover how modest are our claims, at what partial modifications, at how peaceful, almost imperceptible, a revolution we are aiming, after all, and how simple a matter it would be to come prudently, without any loss of prestige, into agreement with science and philosophy, which always get the upper hand in the end.

A little less of vengeful wrath, a little more serenity, not so much eagerness to punish, in the narrow sense of that old word, keener anxiety to prevent, to forestall, to organize the prophylaxis of evil, is this very much to ask?

There will be found in the following short series of articles only a succinct, clear, and, I

hope, very plain statement of the medical, physiological, and psychological side of this vast subject for meditation, but no display of erudition. Such of my readers as may be inspired by my little work with taste for this kind of study will find ample means of satisfying their curiosity and their desire to sift the matter thoroughly in the following plain bibliographical index :—

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See also the "studies" Benedikt (of Vienna) of the skulls of criminals, and the *Revista d'anthropologia criminal* edited by Dr. Alvarez Taladriz (of Madrid).

Consult also the reports of the Congresses of Anthropology at Rome (1885), at Paris (1889), at Brussels (1892), at Geneva (1896), &c.

THE CRIMINAL MIND

The First Part

THE BRAIN OF MAN AND FREE WILL

CHAPTER I.

THE BRAIN OF MAN.

Knowledge of cerebral anatomy and physiology henceforth indispensable to the study of psychology—Cerebral localizations ; sensation and movement—The cerebral cell ; the neuron—Collateral fibres and neurons of association ; mechanism of the association of images and ideas—The fundamental *rôle* of memory—Monism and dualism : incarnation of the mind in the nervous system of man ; the duration of psychical acts.

THE science of the human brain has assumed such importance within a quarter of a century, it has so quickly reached so high a degree of precision, it results from so thorough and unanimous an agreement among biologists of all countries, it throws so strong a light upon the phenomena of the mind, that it would now be quite impossible to dispense with it in treating of general psychology, and more especially of criminal

psychology. That knowledge—attended at first sight with disconcerting difficulties and alarms, by reason of its complexity—may, nevertheless, be easily simplified and placed within the reach of the least studious minds. For those who go deeply into it, the knowledge of the functions of the brain quickly assumes the pure lines, the harmonious proportions and the symmetrical arrangement of a typical French garden, with its straight walks, cut out in the dim forest of the old classical psychology.[1] Let us walk together in that garden, keeping a few plans, mere rudimentary drawings, under our eyes, lest we should lose our way.

Here is one, in the first place, which represents the topography, the geography of one half of the brain,[2] or, to employ the phrase in use, the cerebral localizations on the left hemisphere.

This word "localizations" does not mean that each of the various faculties of the mind has an assigned place, but simply that a certain zone —always the same in every human brain—governs a certain kind of sensations, or commands a

[1] See "Medicine and the Mind," ch. iv. (Downey & Co.)

[2] It is known that we have a right cerebral hemisphere and a left cerebral hemisphere, each governing the action of one half of the body.

certain variety of movements. If it happen that zone V is lacerated by cerebral hemorrhage (apoplexy), the subject of the attack will become and will remain blind; if the destructive lesion affects the whole of the upper and middle

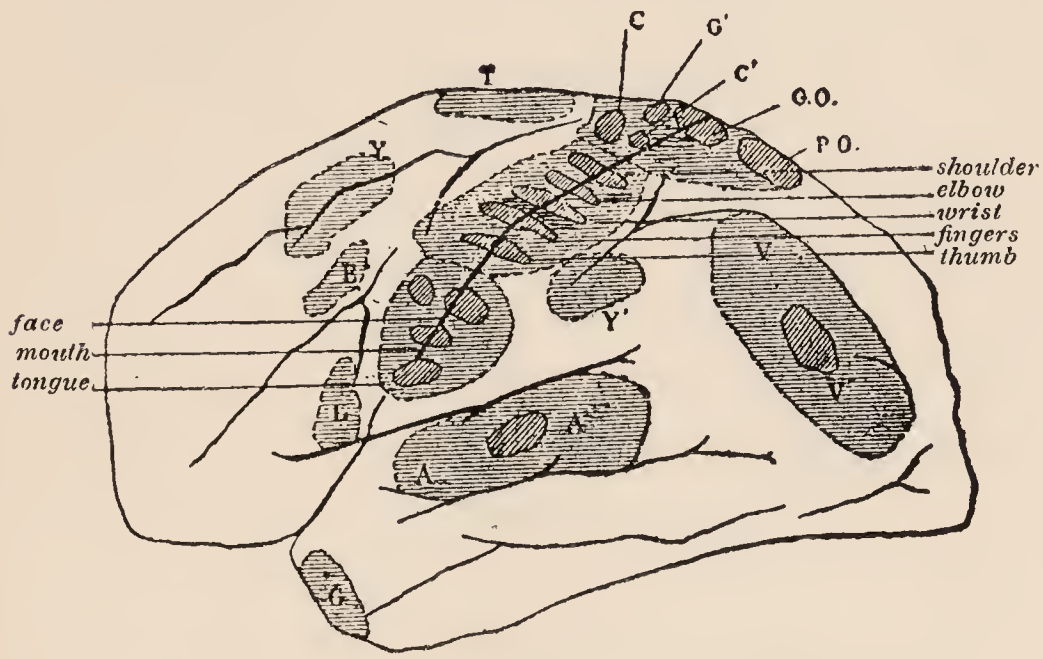


FIG. 1.—LEFT HEMISPHERE OF THE BRAIN.

A, centre for hearing in general.—A′, special centre for the hearing of words.—V, centre for sight.—V′, special centre for the sight of words.—G, centre for the sense of taste.—L, centre for articulate speech.—E, centre for writing.—T, centre for the movements of the trunk.—Y, centre for the conjoined movements of the head and eyes.—Y′ centre for the movements of the ocular orbs.—C, centre for the movements of the thigh.—G′ for the knee.—C′ for the ankle.—G, O, for the great toe.—P, O, for the other toes.

portions of the hemisphere, there will be paralysis of the movements of the leg and of the arm, and the patient will be hemiplegical.

The explanation is that point V is the place

where the optic nerve comes to an end; there it spreads out its terminations, thither it carries and there it deposits, so to speak, the nervous vibrations gathered by the retina in its contact with the outer world, that is to say the ideas of colour and form: visual perception can then take place there only. At point G, in the same way, all the sensitive nerves which ceaselessly inform us of the state of the muscles, the ligaments, and the skin of the knee, and respecting the contacts and the sensations of heat or cold to which that region of our being is subject, terminate, and from this same point the centrifugal nervous filaments which preside over the movements of the knee-joint start.

At the present time, experiments upon animals and clinical studies completed by autopsy in cases of paralysis [1] have made it possible to fix the cerebral terminus of our principal sensations, and the point of cerebral departure of most of our movements and actions.

If we now study the nerve centres on a vertical section, laying bare the interior of the two hemi-

[1] Comparison of symptoms with lesions (the anatomical-clinical method of Charcot) is our only means of obtaining information scientifically upon the cerebral localizations in Man.

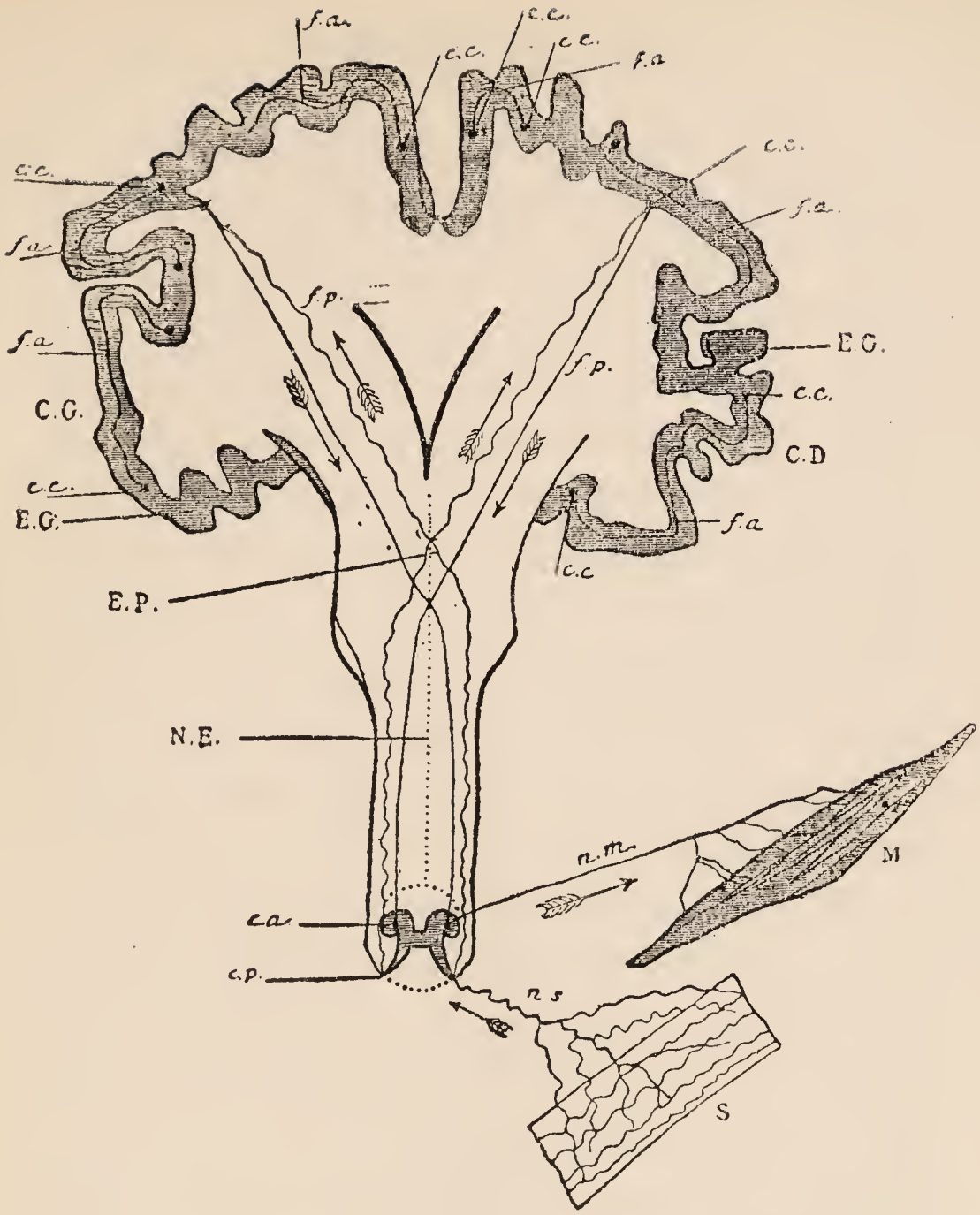


FIG. 2.

C, G, left hemisphere of the brain.—C, D, right hemisphere.—E, G, grey surface.—*f*, *p*, fibres (so called) of projection: the undulated fibre is sensitive and goes from the outside world to the brain; the straight fibre is moveable and centrifugal.—*c*, *c*, cerebral cells.—*b*, *a*, fibres of association binding together all the parts of the grey surface.—E, P, inter-crossings of pyramids; the fibres of projection pass there from right to left, and reciprocally, so that it is the left brain which commands the movements of the right side of the body, &c.—*c*, *a*, the fore corner of the spinal marrow where the motor fibre comes to, and whence the motor nerve which ends in the muscle M, starts afresh.—*c*, *p*, the back corner of the spinal marrow where the sensitive nerve *n*, *s*, comes to, and whence the sensitive fibre (undulated line) which carries impressions of the outer world, or notions on the state of our own organs, starts afresh.—S, sensible surface.

spheres and of the spinal marrow which comes after them, we shall be able to make a fresh series of useful verifications. There we see, in the first place (fig. 2), that the surface of the brain, all pleated with circumvolutions, is made of grey substance, while the subjacent parts are constituted of white substance entirely striated with fibres grouped in clusters in the spinal marrow, and radiating towards the outside.

It will suffice for us to examine two of those fibres. One of them—which we represent as waved to distinguish it from the other—springs from one of the sensible surfaces of our organism, S. We trace it to the spinal marrow, where it throws itself into the hind corner; there it pauses, only to mount again, crosses its congeners of the opposite side, takes its place among a thousand others in the white substance, comes out at the surface and terminates at contact with a large cell of the grey substance.

From that cell another fibre, rectilinear in our drawing, and centrifugal, starts. After having made the crossing in E, P, this fibre descends into the marrow, recruits itself in the fore corner, starts again, and ends in M, at the motor organ, the muscle that acts.

A sensation which comes to us, and a movement

which we accomplish—this is the essential of the mechanism of life; it may, I think, be defined as the response by an act to the excitation of the outer world. The energies of Nature which pervade us on all sides, are, in fact, the true source of our own strength: they enter into us under form of nervous vibration, by our sensitive nerves, and we restore them to the surrounding medium by means of our motor nerves, which make the muscles contract, the limbs gesticulate, the larynx speak, and the hand write.

The exact spot where sensation is changed into movement, where the nervous undulation that has come from without is reflected and becomes centrifugal, is the cerebral cell, the culminating point of the three realms of Nature, the precise place where Psyche becomes incarnate.

Now, that mantle of grey substance with which the hemispheres are covered is studded with the cells called, from their form, pyramidal, and crowded together there, as numerous as the stars in the vault of night.

This is the image of their form and of their arrangement.

The great nerve cell of the cerebral surface[1]

[1] Its size is relative, as may be supposed; it does not exceed from 50 to 100 thousandths of a millimeter for the

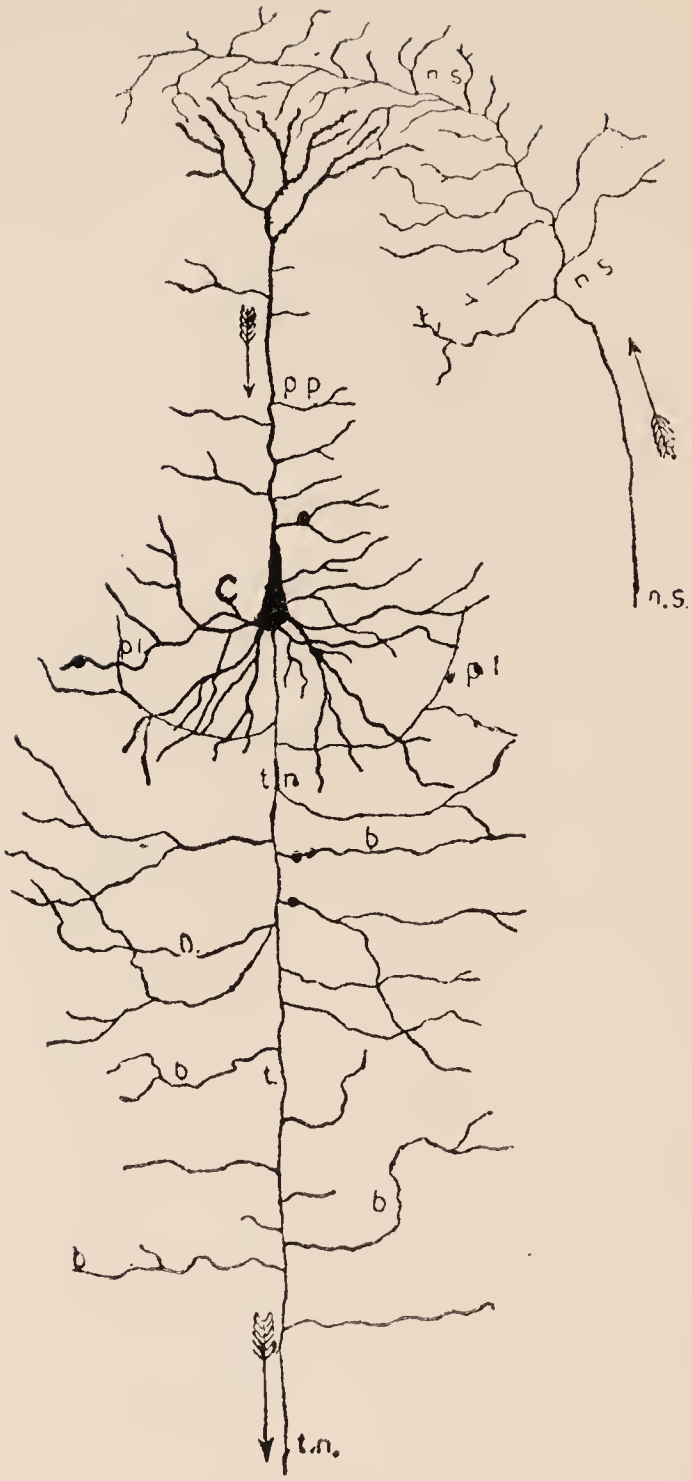


FIG. 3.—PLAN OF A LARGE PYRAMIDAL CELL OF THE CEREBRAL SURFACE.

c, body of the cell.—*p*, *p*, prolongation of head (cellulipète).—*t*, *n*, nervous tube (cellulifuge) which prolongs itself in one growth into the spinal marrow.—*b*, collateral fibres.—*n*, *s*, nervous sensitive tube bringing external stimulus from without.

triangular, ragged-edged, and hairy, is furnished with prolongations placed in an ivariable order: lateral prolongations, and (*p*, *p*) prolongation of the nerve tube (*t*, *n*). The latter filament, which the cell emits towards the middle of its base, is that which we have previously traced (fig. 2) in its descent into the white substance, in its passage from the left to the right side or from the right side to the left, whence it goes on all at once to the front corner of the spinal marrow, and from thence starts again in the form of a motor nerve. The prolongation of the head (*p*, *p*) *protoplasmic* prolongation, to use the technical term, is much shorter: it does not exceed some hundredths of a millimeter.[1] The terminal outcome of the sensitive nerve tube (*n*, *s*) which carries vibrations—the sensations communicated by the outer world—to the brain, expires in proximity to the arborizations of its tuft.

By means of this apparatus, whose closest and most delicate workings I have placed under my reader's eyes, our brain transforms its sensations into acts: it is reflex mechanism, that of our

body of the cell itself, for the nerve tube which it emits, when, for example, it goes from the top of the brain to the lower part of the spinal cord, is nearly a yard in length.

[1] A millimeter is one-twenty-fifth of an inch.

prompt and unreflecting actions, of our sudden impulses, our fits of anger, our brutish passions.

But the brain of Man is not a noble organ, it dominates the whole of Nature only because it can curb these reflexes, defer these desires, slacken these impulses, and, as Brown-Sêquard says, *inhibit* them. Our grey substance is above all an organ of association, comparison, and judgment.

Let us return to our drawing. The nerve cell has not only its head prolongation and its nerve tube, it has also its lateral prolongations (*p*, *l*) and its collateral fibres (*b*), whose office is to take contact, in an intermittent manner, with the emanations of the neighbouring cells, the neighbouring neurons.[1] The manner in which this contact is established and comes to an end is very curious.

The researches of Golgi, and especially those of Ramon y Cajal, have plainly shown that the neuron constitutes a distinct individuality, without relation of continuity with its congeners. The relations of a cell and its prolongations with surrounding cells are only those of contiguity. The nerve wave is transmitted by contact only. Now

[1] The cell and its prolongations as a whole constitute the neuron.

—observe the philosophical importance of these ideas of anatomy—this contact is not constant. Like the infusoria which stretch out arms from their cellular mass and withdraw them into it, the cerebral cell has the power of erecting its tentacles in moments of high vitality, of pushing them out until they come in contact with the tentacles of a neighbour, or, on the contrary, of slightly contracting them, and closing itself up a little, when fatigued, resting, or sleeping.[1]

The following is the mechanism of the association of images and ideas.

Let us suppose the brain of a healthy, strong, well-balanced, normal man. A sensation comes to him, always accompanied by movement, by tendency to action. For example, an important sum of money which he may appropriate by putting out a hand lies before him. But the sensitive nerve vibration, transmitting itself by the collaterals, goes on propagating itself from neuron to

[1] These movements of the cellular prolongations have not been directly observed. This is then only an hypothesis, but a very likely hypothesis. In any case it has been ascertained with scientific certainty that the free passage of nerve current from one neuron to another is interrupted at certain moments and resumed at others. If there is not real retraction of the collateral fibres there is at least faulty conduction of them (Branly's hypothesis).

neuron, awakening old mental representations in its passage, which revive once more and come into comparison. Thenceforth, the image of the desirable booty is no longer alone on the stage of consciousness, others present themselves to struggle with and conquer it, the salutary idea of the gendarme, that of an avenging God, and even still more delicate feelings if the mind in question be a refined one. Deliberation is established; good, if it is the stronger, will triumph over evil. It will triumph so quickly in the case of a perfectly sound-minded person long accustomed to abhor theft, that he will not even be conscious of his deliberation.

But, if a man with an exhausted brain, whose neurons have lost their suppleness of movement by habitual inertia, and whose vital activity is vitiated by a disease inherited or acquired, is in question, how is a comparison between the tempting image and the susceptible images to act as a check upon him? The paralyzed collaterals cannot stretch out their tentacles to make contact with neighbouring tentacles; the nerve wave is not diffused; between the salutary ideas deposited in the mind by education and impulse no contest will arise.

Bear in mind then that sensation is a force, a

force which tends to realize itself, to become an act; since then there is nothing to impede it, it follows its tendency. The money is there, it promises a vast amount of enjoyment, the mental representation of that enjoyment is the sole occupant of the field of consciousness. All the rest of the brain is sleeping. Here we have the fixed idea. The "*bête humaine*," which there is nothing to restrain, puts out its claws, seizes the prey, and the crime is committed. Have you not already recognized the precision of the anatomical basis on which we may build our psychology of crime, and how important the free working of the cerebral cell and its appendages is to the integrity of the will.

In it resides, in fact, the fundamental faculty, Memory, on which all the rest depends.

The really essential, the cardinal point in cerebral physiology, that which constitutes the mind properly speaking, is the property, possessed by the pyramidal cell of the grey surface, of keeping images in the state of sleep, and of making them wake up, under the influence of an external stimulant, of a more rapid circulation, or of a propagation of nerve wave from one group of cells to a neighbouring group. All proceeds from this power, undoubtedly highly mysterious, not

more mysterious, however, than the eternal unknowable that for ever confronts our mind.

Now, scientific research has taught us concerning memory, that the integrity of that faculty is indissolubly united with the integrity of the cerebral cell. Let a limited hæmorrhage or a focus of softening destroy the territory in which the hearing of words in our native tongue (see fig. 1, A) is localized, and thenceforth those words will be strange to us. The great zone A, which serves us at present for the hearing of sounds in general, will no longer perceive syllables otherwise than as meaningless noises, and we shall have to learn our own language anew. Where the brain becomes impoverished after long illness, or in cases of neurasthenic nervous exhaustion, which are frequent, the memory becomes confused, and we vainly strive to recall the most familiar dates and figures, and even the names of our most intimate friends. Let us, on the contrary, experience one of those moments of vigorous vitality when generous blood circulates in our cerebral arteries, and recollections will crowd upon us with abundant speech only eager to translate them. Our memory, varying with the instability of our nutrition, is what our vitality of the moment makes it; it is nothing but a cellular function.

How is this indisputable fact to be reconciled with the old tendency to dualism, to the distinction between body and soul, between mind and matter? There is nothing more artificial, more opposed to all that is known, and yet the morals of the world, education, justice, the whole modern social organization, rest upon this misconception.

When Pasteur took his seat in the French Academy, Renan, who received him, said, among other weighty words, the following:—"You employ two words which I, for my own part, never use, materialism and spiritualism. The purpose of the world is idea, but I know no case in which idea is produced without matter; I know no pure spirit, nor work of pure spirit. . . ." And this is just what must be said. The antique opposition of the physical to the moral, of the animal and the soul, is not intelligible except in the anatomical sense. In that sense, one and the same organ, the nerve-cell, has two ways, as follows:—When the animal prevails in us, it is because a strong desire, or, to use the language of physiology, a vehement sensitive nerve vibration, having reached the grey substance, has been immediately reflected in action, before the collaterals have had time to warn the adjacent regions. When the mind conquers our bad instincts it is because the

vibration, being diffused throughout the grey substance, has revived ideas which aid the common weal, the wise and pacifying ideas implanted in us by our teachers.

Violent impulse is a nerve wave which flows lengthwise; over-ruling reason is the same force which expands on the surface. The animal (*la bête*) is blind reflex with oblivion of all; the mind is the free play of the collaterals and the fibres of association, it is comparison, judgment, experience, in one word, memory. It is the total of our past sensations, recognizing a new sensation, profiting by its living strength, and bringing to it in exchange moderation, civilization, all that our forefathers called "politeness" and "honesty."

Let it be clearly understood that these are not vague theories, or daring hypotheses, but facts of anatomy, verified everywhere by the masters of that science. Ignorance of these facts may indeed exist, but once that they are known, who can deny their psychological importance? They lead us, no doubt, not, as will inevitably be said, to the grossest materialism,[1] but to the rejection of the

[1] The epithet "gross," hackneyed though it be, ought, I think, to be applied to the word "materialism," modern science having no plausible motive for believing in the objective reality of matter. Man knows that he lives bathed in an ocean of sensations, vibrations, movements, which

dualist conception, admitting the existence of a mind, free, independent, exterior and superior to cerebral function.

With or without our consent, all that we know forces us to admit that the incarnation of the mind in the body is total and absolute. They are subject to a common fate, and are never differentiated by anything that can fall under scientific observation.

In mental alienation, in general paralysis, the anatomical dissociation of the grey surface by the progressive evolution of the disease is inevitably accompanied by a parallel progressive dissolution of the intellect: atrophy and rupture of the collaterals and the fibres of association inevitably render judgment and will impossible. Little by little, and solely by vital failure, by non-nutrition of his cerebral cells and their feelers, a paralytic loses his mind, or, if you prefer it, the faculties of his mind, so that, towards the end, there remains nothing of him but his breath. Then the word *anima* resumes its first, literal signification.[1]

come from the outside world, and affect his sight, his hearing, his senses of smell, taste, and touch; but nothing else comes to his knowledge, and the real existence of matter is but an hypothesis which never can be verified.

[1] We know that in the primitive sense the word *anima*

Physiologists, such as Donders, Schiff, Alexander Herzen,[1] Wussett, and several others,[2] shed some light upon this point a considerable time ago.

By their experiments upon the heating of the brain during intellectual action, they have shown that the activity of the mind is only one of the modes of transformation of forces, and that nervous vibration—which may sleep in us under the form of memory, or escape from us under the form of actions, movements, written or spoken words—is received by us from the outside world where our sensitive peripheries[3] collect those

signifies the warm breath of a man, or of a respiring animal. As a man who dies loses his breath, spiritualist philosophers have come to identify the idea of life, and then the idea of a soul presiding at life, with the idea of breath, and the word thus turned by a rhetorical figure from its first signification has become metaphysical. In his *Jardin d'Épicure*. M. Anatole France has devoted some pages, both witty and profound, to the formation of the language of metaphysics.

[1] Alexander Herzen, *Le cerveau et l'activité cérébrale* (Baillière, 1887).

[2] See Ribot, *La psychologie allemande contemporaine*, chap. viii. (Alcan, Paris).

[3] See Jules Chéron, *Lois de l'hypodermie*, chap. viii. (*Société d'éditions scientifiques*), and M. de Fleury, *Introduction à la Medicine de l'Esprit*, chaps. iv. and v. (Alcan, Paris; English version, *Médecine and the Mind*, Downey & Co., London).

various sensations which we have called heat, light, sound, contact, taste and savour. The forces of the outer world are the mothers of our force, and, like the rest of things, our intellectual life is only physics and chemistry. Experimental study of the duration of physical actions by the same group of savants, has given results more curious still. It has shown, beyond all doubt, that, contrary to what a spiritualist metaphysician ought to expect, a cerebral act takes so much the longer in accomplishment according as mind—high intelligence—has the greater share in it.

Here, for instance, is one of Donders' simplest experiments.

An assistant in his laboratory, whose eyes are blindfolded so that he cannot get warning from his sight, is about to receive an electric shock in the right foot: so soon as his brain shall perceive that sensation his right hand is to make a pre-arranged movement. A chronographic apparatus registers the moment of the shock and then the moment of the gesture. The interval between the former and the latter is, constantly, three-tenths of a second. But if the experiment be slightly complicated; if its subject be uncertain whether the shock is to come to him on the right or on the

left; if he be required only to make the movement agreed upon with the hand corresponding to the side which shall be struck; if the registering apparatus be absolutely perfect (for greater security let the trial be made twenty times over), —the interval between the electric percussion of the foot and the signal given by the hand will be at least four-tenths of a second.

All things besides being equal, to what can this surplus of one-tenth of a second correspond, if not to the time employed for judgment, for the distinction, very rudimentary however, of the right from the left? The nerve vibration makes the same journey in going and returning, from the great toe to the brain, then from the brain to the indicating finger: the difference therefore bears upon the passage in the brain. It is a psychical delay, and that delay will be the longer according as the intellect comes into play more formally and the mental action is more complicated.

Countless experiments, of infinite diversity, show the same thing, and lead to the necessary conclusion "that the substratum of our mind is something extended and compound"—the substratum of the mind meaning all that by which it manifests itself to us, all that we can know of

it scientifically. The rest is in the sole domain of Theology.[1]

How is this collective body of facts to be reconciled with the hypothesis of an immaterial principle exterior and superior to the brain, of a mind free to will, and disengaged from all anatomical, material trammels? That mind would think without the least delay, in the absolute immediate, and its action would not be inscribed in time. Owing to our present notions of delicate and precise anatomy, we can follow with our eyes the path travelled by a nervous vibration in the various territories of the brain. We see it, either immediately reflected and running in a muscle to become an action, or else losing time in awakening older images all around it, which recognize it, classify it in its rank, and establish comparisons from whence judgment will issue.

Biologists are commonly reproached with refusing to believe in the soul because it escapes

[1] It is not uninteresting to point out how nearly the modern scientific conception of Mind (*l'Esprit*) approaches the steady tendencies of the Catholic faith in incarnation, trans-substantiation, and real presence. *L'Ange de l'École* almost completely identifies the soul with its physical substratum; the Thomists hold that the soul is present in the brain in almost the same way that the Body of Christ is present in the Sacrament.

their scalpel. That old quarrel has no longer any *raison d'être.* In truth, since C. Golgi and Ramon y Cajal have promulgated their methods of microscopical preparations, the soul is there, under our scalpel, and the foregoing pages are but a topography, a geography, an anatomy of the mind, the superior functions of human thought, the faculties of the soul.

CHAPTER II.

THE HUMAN PERSON.

The actual definition of the faculties of the mind—Personality—The maladies of Personality—Azam, M. Ribot, M. Pierre Janet and the narrowing of the field of consciousness ; investigation of hysteria—Modifications of Personality in neurasthenic patients ; hierarchy of the emotions.

INTELLIGENCE, Will, Memory, those faculties which were formerly regarded as separate entities, we are now constrained to consider as various

sleep, and awakening them, making them come to life again on the spot, under the influence of an excitation.

Memory is a very general property (it is important to be aware of this) of organized matter, and man is far from being the sole privileged possessor of it. For instance, the *Amphiosus lanceolatus*, which does not possess a brain, has, nevertheless, a memory and possesses a psychical life. Again, certain steel plates, having once taken the impress of a finger, can reproduce it after its disappearance, under the stimulation of strong light.

Memory in Man is not, as it is supposed, a property peculiar to a certain point of the brain-surfaces ; memory exists wherever a sensitive nerve-fibre runs into a great cell of the grey substance. We have as many memories as we have distinct territories, as we have cerebral localizations : we possess a memory of sounds in general and in particular, a memory of words, of spoken language, which is not the same as our memory of sung language ;[1] if we speak several languages each one has its localization and its

[1] A very partial anatomical lesion may abolish the faculty of understanding spoken language, while leaving the faculty of hearing sung language.

own memory; our visual memory is complicated by a special memory for written language, we possess a memory for smell, taste, touch, &c., &c.

Memory thus understood will give us a key to the whole of intellectual life.

It is necessary above all for the present study to arrive at a clear conception of what is signified —at this actual moment of human knowledge—by the words Intelligence, Consciousness, Personality, Judgment, and Will. It is very easy for us now to do so.

Intelligence, dispersed all over our cerebral surface, is, properly speaking, the harmonious coalition of the images brought to the brain by the sensitive nerves, and preserved in it by that property of the cerebral cell which we call Memory; it is the possibility of the association of these images, of their comparing, adding to and systematizing themselves, and thus becoming ideas, which are to our images what algebra is to arithmetic. Its working is secured by the innumerable collateral fibres which unite among them—by intermittent contiguity—the sensitive and the motor neurons, and especially by those neurons of association which run in every direction from one point to another of the surface, and make

the apparently most distant territories work together.[1]

We say that a man is considered intelligent when he lays hold of a new idea and assimilates it promptly, when he associates images and ideas readily, when he excels in revealing the hidden links between things which have previously been held to be unlike. Genius is no other than this gift of bringing things near which seemed far off, throwing bridges over gulfs, or making harmonious combinations. The condition necessary to a fine intellect is a high degree of vitality, vigorous nutrition of the cerebral organ, so that the sensitive wave, on penetrating into the brain, shall find the tentacles erect and that propagation shall take place without hindrance. Thus it is that slight stimulation of the brain by cafeine, by preparations of kola, by static electricity, by the douche, by hypodermic injections of artificial serum, indisputably facilitate mind-work, and can restore a dulled and depressed neurasthenic subject to all his former ease in expressing himself, and

[1] It is only towards the age of three years, when the brain of the child begins to synthesize its images and to rough-hew its ideas, that this network, or, more exactly, this felting, which the neurons of association (described simultaneously by Flechsig in Germany and by Pitres in France) constitute in the grey substance, is developed.

all his intellectual lucidity. By the methodical employment of these stimulants—I wish, above all, to speak of the injection of serum—the development of thought in a backward child may be powerfully assisted, and its progress singularly accelerated.

Here, then, is the meaning of the word Intelligence.

We say that there is Consciousness, every time that a new sensation is recognized, understood, and adopted by the whole of the former sensations which are kept in store by Memory, and when the new-comer adds itself to that which previously constituted our Personality. An act is called unconscious—it would be better to say subconscious, for nothing that takes place in our organism disappears without leaving some trace—when the excitation from the outside world has been metamorphosed into action, when the sensitive nervous vibration, having traversed the surface has run on at once, thrown itself into a muscle, and become a movement, while all the rest of the surface slept.[1] This is a concentration

[1] It is easy to form an anatomical idea of a rough reflex, an automatic action, impulsive and unconscious, by referring to our figure 3, and representing to one's self the sensitive nervous tube in close contact with the head tuft of the nerve-cell through its terminal arborizations, while the collaterals

of energy on a single point, on a single group of cells, excessively luminous and living, while the other parts of the brain sleep in darkness. Also, the characteristic of an unconscious action is habitually to reach the height of paroxysm—the "attack" of epilepsy or the "fit" of maniacal fury are complete types of it,—while a high degree of consciousness is accompanied, it may be said always, by moderation and a diffusion of energy which often borders on inaction, dilettanteism, and inability to come to a decision. The philosopher is not very active, the impulsive man is not very conscious; these ideas are commonplaces, so frequently have they been dinned into our ears, but they have to be very present to us while we face the problem of human responsibility.

If now we ask ourselves what is, in modern psychology, a Judgment, a decision taken by our conscience, how easy it is for us to see the mechanism of it working literally under our eyes.

It is at first a sensation, which puts our mind

are retracted and leave an interval between them and the neighbouring neurons. Thus the nerve wave cannot diffuse itself, and the whole sensitive vibration is dispersed in motion.

on the alert, and draws our attention to a certain order of facts. That sensation is invariably accompanied, as we have already seen, by a tendency to action: a blow received makes us want to return a similar blow; but if, by those collateral ways to which we must incessantly revert, sensation has awakened intelligence—the whole of previously accumulated notions—the disadvantages of that act will appear to us simultaneously with its advantages. With the rapidity of thought—rapidity which may be measured, however, as we have said before—the reasons for and the reasons against contend with each other on the interior stage of our consciousness. There, as elsewhere, the stronger will be victorious. Deliberation once begun, the parallel made between the recent impulse and mental images previously acquired by education, the result is self-evident. Once for all, let us consider our sensations, present or past, as energies insisting on an accomplishment, and as concurrent energies, playing at who shall be conqueror: the most long-lived will overthrow the others and commands the final action. That is what man, in his pride, calls coming to a decision. In reality, the fist will return the blow, or the hand will remain inert, according as the need for

imitation[1] and restitution to the outer world of that which has come from it, shall or shall not prevail over the fear of fresh and more violent blows, or over some other moderating image. And this is nothing but an episode the more in the struggle for existence, whose laws rule the psychical world as they rule the rest of the universe.

But if thus it be, if judgment or active decision as the outcome of deliberation be only the result of a struggle, of a race between motives, between idea-forces, it necessarily follows that the brain is only a stage whereon phenomena are evolved. The brain takes no active part in the drama played: it is only according as it is in good or bad health the more or less favourable scene of that performance. And this is precisely the gist of the question with which we are occupied.

[1] Imitation, the restitution by the nerve-centres of what they have received, in other words the reflex movement, the consequence, swift or slow, of sensation, is, indeed, the natural phenomenon *par excellence*. The need of imitation is the very groundwork of human nature: we learn to walk, to speak, we feel the desire to avenge ourselves, because sensations from without have been driven in upon us and are striving to get out in order that they may return to the outer world. (See *La Médecine de l'Esprit*, ch. v., "Les Sources de la force humaine," Paris, Alcan; or, *Medicine and the Mind*, London, Downey & Co.)

Henceforth what signifies that word "I will," so often used, and by so many generations, in exactly the following sense: "My Person, one and independent, freely makes its choice between the different motives with which my consciousness is filled"?

Physiological psychology leaves none of the parts of this old proposition standing.

In the first place, Personality is not one and independent. Let us see how it is constituted.

We are born with tendencies, the inheritance of our race, with certain qualities or certain defects, both physical and psychical, which come to us from the wisdom, the health, the diseases, or the toil of our forefathers. But of course it is absolutely admitted that no formal mental image exists in us otherwise than by sensation. There are no notions, no innate ideas, not even that chimerical inner sense of good and evil of which so much has been made, and which is, in reality, only a result of experience, only an endowment of education. We bring nothing into the world when we enter it except a vague hereditary vocation for keeping an even path of conduct or for diverging into violence. But the child, like the savage,[1] is naturally impulsive, cares only to satisfy

[1] The word "savages" must not be taken to apply here to all the peoples foreign to our climes and to our European

its appetites, and any one who goes against its most trifling desires finds it a little spitfire. It is social life alone which teaches men that universal principle: "Do not do to others that which you would not have them do to you or to yours," which is the foundation of duty toward one's neighbour. It is family life, it is the instinctive care for the preservation of the race, that teaches the child duties towards himself. But what is there, in all that, pre-established or divine?

Nothing has ever entered into the brain of a man otherwise than by way of the nerves of special sensibility (nerves of sight, hearing, taste, smell, touch, nerves of muscular sense, &c.). Separated from its sensitive peripheries, the brain sleeps. Our person is then almost a nullity, so to speak, when we come into the world. But from that moment until the hour of our death

manners and customs. Many of those have made a civilization for themselves, and have organized a social life which is sometimes peaceful and not lacking in dignity. I mean by "savage" the man grown up in solitude, who has not had that contact with his fellows which rounds off his angles and polishes his natural disposition. Such a being knows nothing of the idea of good and evil, and he only knows remorse, regret, or sorrow when he is conquered by some wild beast and has his prey torn from him, or when his strength has failed him.

it never ceases to grow with fresh sensations; each hundredth part of a second brings its contingent of them, adds to the mass, and modifies us by so much. Our Personality is nothing else than the immense total of our past sensations, kept in constant wakefulness by new sensations, *plus* a certain degree of nervous tonicity, of vital activity which makes us either strong or weak of mind. We *are* all our past of states of consciousness, and that past the actual state of consciousness vivifies, modifies, and renews without ceasing.

It is said that we have the intuitive sense of the unity of our person, and the continuity of a Self that endures despite these continual accessions; but this is a delusion, arising merely from that appearance of a "whole" which is given to us by our habits. Most of the acts of our life are accomplished through custom, according to the law of the least effort, acts once performed exacting less attention, and being performed with less fatigue than new acts. This is not the doing of a free mind; it is simply automatic, an act of cerebral mechanism, a fundamental property of the nervous elements, and of the humblest as much as of the highest. Our unconscious reflexes have a natural tendency, greater still than that of our

higher reflexes, to reproduce themselves. In this we find the explanation of the eternal need of re-beginning which is in us; and it is by this need, that custom, those habits, that we are kept in an habitual moral direction: these make us act in conformity with our character, which is formed of our hereditary tendencies, of the images taken in by us in daily life, and the habits, good or evil, to which our brain has subjected itself.

But how far from orthodox doctrines and theories is all this! To them the word "I" can only represent an irreducible unit and not an aggregate. M. l'abbé Piat, a professor at the Catholic Institute of Paris and a spiritualist philosopher, recently published a work in which he tried to demonstrate that "each one of us feels in himself a spontaneity which reasons, calculates, and foresees, which escapes from the conditions of time and sees everything under the form of eternity."[1] But his whole book is confined to an eloquent affirmation of this alleged sentiment, one evidently useful to his doctrine, but certainly contrary to fact.

It is true, nevertheless, that a sound brain perceives not the unity of its Person, but the harmony of the parts which constitute it. That consciousness comes to him inasmuch as all the

[1] Felix Alcan, publisher.

very minutest particles of his body are united to the brain by nerves of sensibility, and also all the regions of the grey substance are connected among themselves by those innumerable neurons of association on whose working we have so often dwelt already: their presence secures "functional synergy" everywhere, and of that co-operation we have the sense. In all ages spiritualist philosophers have wanted to make the Ego a sovereign, the absolute monarch of Consciousness and of Will, which are simply republics where the laws of vital concurrence reign. To my notion, none but madmen can have a royal brain, because their entire personality is concentrated upon a fixed, ruling, unique idea.

Besides, since M. Ribot published *Les Malades de la Personnalité*,[1] and the later work of M. Pierre Janet, *L'Automatisme psychologique* and *L'État mental des hysteriques*,[2] in which he makes known the result of his studies, indeed, since M. Azam related the history of Felida and the redoubling of her personality, it may be said that the doctrine of the immutable unity of the Person had had its day. M. Pierre Janet, especially, has given us modifications of Personality by the fixed idea, and by "narrowing of the field of consciousness;" a

[1] F. Alcan, publisher, 1888. [2] Rueff, publisher, 1894.

conception so precise, so strong, founded upon such striking observations and such ingenious experiments, that it irresistibly compels conviction. The entirely modern discoveries in cerebral anatomy give it still more weight. Now we can represent to ourselves, objectively and visually, so to speak, the narrowing of the field of consciousness, that is to say, one group of cells monopolizing the energy of the whole, and the rest of the surface insensible, inactive, the cells shrivelled, the collaterals retracted as in sleep.

This is, doubtless, a very important mode of the morbid modifications of the human person, but it is not the only one. We know another, perhaps more frequent, and not less interesting. I allude to the profound changes, the revolutions of the mind, which are produced in us by the oscillations of our nervous activity as a whole, in the sense of depression or in the sense of excitement. Properly speaking, these oscillations are the passions and the emotions of man.

Hitherto we have been dealing especially with cerebral geography. Let us now interest ourselves in the history of those mind-countries, their vital variations, their torpor and convulsions. A long time ago, Descartes, Spinoza, and Malebranche had glimpses of what the works of

William James,[1] the American, Lange, the Dane,[2] Georges Dumas,[3] and my personal studies of melancholy, sloth, anger, and their treatment, have recently taught.[4]

At the present time, for example, we are led to regard the mechanism of the emotion of sadness in the following way :—

"If we lose some one whom we love, the profound dejection into which we fall is not the consequence but the cause of our grief. The dread spectacle of death, or the announcement of the fatal news, by our eyes or our ears, by our optic or by our auditory nerve, sends such violent vibrations to our nerve centres, those vibrations arouse ideas so firmly fixed, associations of ideas so inveterate, such deeply-rooted habits of mind, only to wound them, that overwhelming despondency and weariness ensues. The strength of the brain is exhausted, its vitality is diminished, the circulation is lowered, the breath-

[1] W. James. *What is Emotion?* in *Mind*, April, 1884.

[2] Lange. *Les Emotions*. Translated into French by G. Dumas (Alcan).

[3] Dumas. *Les états intellectuels dans la Mélancolie* (Alcan).

[4] *Maurice de Fleury, Pathogénie de l'épuisement nerveux*, in *Revue de Médecine*, February 10th, 1896, and *Introduction à la Médecine de l'Esprit* (Alcan).

ing becomes feeble, our unstrung muscles work feebly, and the nerves of sensibility all over our body carry the continuous idea of useless struggle, weariness, decadence, powerlessness, to the brain; our mind takes consciousness of this—vague, confused consciousness—and that is what we call sadness. Cerebral activity is specifically lowered. If that activity remains at a low ebb for a certain time our mind will take the habit of it, and everything will appear to it in a painful, melancholy, and pessimistic light."

Attentive observation[1] of neurasthenic patients, cases of worn-out nervous system on the one side, and on the other of hypersthenic persons, those who have too much strength, have led me to admit a whole hierarchy of states of mind corresponding to the actual degree of fatigue or irritation. I add that it is possible, experimentally, to make a brain in one of these states pass into another. Bromides will render a brave

[1] This attentive observation is made by the aid of instruments of precision, which enable us to measure the variations of the pressure of blood in the arteries, the dynamometrical force, the number of red globules, the promptitude of the reduction of red blood into black blood, the degree of sensibility in the tissues, and, lastly, the quantity of ashes resulting from our organic combustion. Thus it is that we know objectively, scientifically, whether an organism is in a state of over-excitement or depression.

man, one quick to anger, timid and dull, while tonics, cafeine, kola, or alcohol taken in excess can make one who is generally low-spirited and not particularly heroic, merry, adventurous, or even cruel. Our magistrates are habitually confronting what is only change of mind produced by the intoxication of alcohol or absinthe, but it is interesting to show them that the effects of mental excitement produced by these chemical agents may be reproduced by the abuse of mere mechanical stimulants of the nervous system. I have seen a sunstroke, a thunderstorm, an overheated bath, too strong a douche, massage repeated too often, too large an injection of artificial serum, enervate, and produce the impulse to act that expresses itself, according to circumstances, by the need of a long walk, fidgets in the legs, furious speed, or blows.[1]

Once for all then, it cannot be said that such a man is good and such another is wicked. No doubt there are steady brains, habitually calm and gentle, and others always on the brink of a paroxysm. But the large family of the "nervous," which furnishes so many delinquents, is com-

[1] See, in *Introduction à la Médecine de L'Esprit*, p. 317 and following, the case of the servant whose personality was so suddenly changed by an overdose of medicine.

posed in great part of people who change their personality readily because their weak brain is subject to extreme reaction. Under the influence of the slightest excitement, moral or physical, their habitual laziness, their melancholy, or their cowardice will suddenly change to false pride, evil courage, and blind fury. This is because the brain of every impressionable man oscillates throughout the entire scale of his active conditions just as the mercury oscillates in the tube of a manometer.

Our brain has a zone of unconcern; beneath this lies the domain of fatigue, above is the territory of cerebral excitement. According as we come to a stop at one or other of these, we become entirely the opposite of what we were just before. Thus there are times of trouble in the life of almost all men, and of the best, when, under the influence of sorrow, or business difficulty, an unhappy passion—an overwrought condition, in short, physical, sentimental, or intellectual—their brain, previously excellent, loses its stability by degrees, its harmony breaks up, its will goes adrift. Those who dare to descend into the depths of their own selves, and who speak the truth to themselves, are forced to acknowledge that in such dreadful moments they

have conceived with terror the possibility of crime, of a murderous hand turned against one's self or another. Yes, for one minute they have had the horrid taste of crime upon their lips. I know true lovers, good jealous folk, whose feet have touched the brink of the abyss. Priests and physicians—especially physicians of the nervous—receive confidences on this head which experience has quickly taught them to regard without surprise, but whereat those rather sanctimonious philosophers who think the world quite civilized would shudder. In places where elegance reigned and all was grace and refinement, I have seen "la bête humaine" strolling about in evening dress, I have caught tragic looks, often ridiculous, sometimes alarming; I have divined—knowing who was speaking—threats of murder, promises of suicide, murmured in the ear under cover of smiles and laughter.

Ah! few among us can truly boast of never having felt wicked anger, or never having secretly wished for a fellow-being's death, of never having tried to appropriate the property of others by means hardly legal and profoundly immoral. We who are called good people, what is it in almost all cases that restrains us on the brink of an evil deed? what is it, I pray you, if not the

force of our education, the fear of social consequences, human respect, dread of the world's opinion? Shall we not then ask ourselves, why are not murder, theft, and prostitution more frequent still among the wretched creatures who live without moral succour, and, so to speak, steeped in the worst examples.

Then—and not only in the case of proved malady, but in that of the best amongst us—the human personality is subject to formidable deformations and transformations, either by narrowing of the field of consciousness (mechanism of the fixed idea) or by exhaustion or excitation (mechanism of the emotions). This is a conclusion which necessarily imposes itself upon any reader who will take the trouble to follow in reflective mood the observations of M. Pierre Janet on hysterial neuropaths, and our own upon neurasthenic sufferers.

CHAPTER III.

FREE WILL.

The doctrine of free choice: its proof by "strong inner sense"—Mechanism of judgment; three stages: (1) an impulse, a sensation which tends to become an act; (2) the placing on a parallel and the strife between that actual sensation and the whole of the sensations stored within us and preserved by memory; (3) the victory of impulse over memory and of memory over impulse—The struggle for life in the domain of images and ideas—That which determines our acts—Free Will and cerebral physiology.

BEING now in possession of the great data of the problem, we are in a position to understand the truly modern[1] and really profound meaning of

[1] I use the word "modern" in the sense intended by Pascal in his *Préface sur le traité du Vide:* "So that all the succession of men, during the course of so many centuries, ought to be considered as one and the same man, subsisting always and continually learning: hence we see how unjust it is that we respect antiquity in its philosophers; for, as age is the period most distant from infancy, it must follow that age in that universal man must not be looked for in the times near to his birth, but in those which are the farthest from it. Those whom we call 'ancients' were really new in all things, and properly formed the childhood of men; and as we have the experience of the ages which have succeeded them united with their knowledge, it is in us that the antiquity we revere in others resides."

the words Will and Free Will. These words have, indeed, an old, more superficial, and much more widely spread meaning, as behoves simple conceptions. It was taught us in our philosophy class when we were addressed as follows; "At no matter what hour of your life, wherever you may be, whatever your original disposition, the temperament with which you were born, the sphere in which you have grown up and the examples around you, in spite of the passions that disturb you and the emotions that depress or excite you, you will always remain free to discern good from evil and to do either at your pleasure; consequently, society will be in its right in demanding an account of your actions, making you responsible for them, and punishing you for the choice of evil which you can make if you will.[1]

And the grand, the only argument in support of this doctrine is that eternal "inner sense" of our own liberty, an intimate sense which is asserted

[1] It must be acknowledged that the Catholic Church, proundly humane and subtle dealer with souls as she is, allows that habit and bad example do diminish our liberty. She teaches that "In the beginning we are free, then comes an hour when it is too late." Theoretically, in principle, she allows no compromise in the matter of the doctrine of Free Will, but practically she admits that the gift of grace assists us materially in fulfilling our duties and resisting evil.

to be innate in us, but which we never find in a conscience unless it is suggested by education. Put this plain question to an intelligent child:—

"Why are you, just now, naughty, disobedient, and cross, when all these days you have been good (*sage*)?" The child will reflect, and at last he will give the answer which has been given to me many times:—

"I don't know; I want to be like the other days, but all at once I turn naughty again."

A child of seven years old once said to me these exact words: "I cannot want (*vouloir*) to be good (*sage*) to-day."

The rectitude of this little mind was not disturbed by a notion of wrong-doing; rebellious at times and quick to anger, he came into collision with the displeasure of his parents; he then became indirectly conscious of a change in his humour, without its being possible for him to understand why his ordinary good mood had forsaken him. No child has the sense of having been able to act differently: he knows only that at other moments *he is different;* he knows this because he is punished. Again, his natural instinct is to attribute that chastisement to a change of humour on the part of his master. When a child receives punishment he has no

impression of its being an act of justice, that word has no meaning for him. He learns by experience, and no doubt says to himself that it is a custom in this world to chastise a little fellow who means to do as he likes and to gratify such and such of his desires without delay. Later on, at catechism time, he will not fail to think differently; he will learn, just like a lesson, the idea of liberty and the idea of deserved punishment, and it is a question whether he will not be the better for them. In any case the task of those who educate him will be simplified. Let us merely state the fact that it has been necessary to put into his head ideas—doubtless very convenient for the ruling of men, big and little—but which he was far indeed from conceiving.

Later still, about his twentieth year, he will have changed his mind about this teaching, he will make his examination of conscience all by himself. He wants to read the philosophers, to become acquainted with the seekers and the founders of doctrines.

He will find them of two sorts.

The one sort is anxious above all to change nothing of the past, and desirous above all to safeguard a pre-admitted faith, to prop it up at the cost of some jugglery with facts; having to

neglect certain of these, and to interpret others freely. These men are believers for whom truth is anything but sacred, real sceptics, as Renan has called them in *L'Avenir de la Science.*[1] The other sort, solely, religiously enamoured of pure truth, holds the assured certainty that its consequences, those most subversive in appearance, are the only possible foundation of morality and justice. The latter will emphatically repeat the great Spinoza's axiom, "Consciousness of our liberty is but ignorance of the causes which make us act."

Let us recall what we said just now of judgment, regarded as a cerebral act. Similarly, the

[1] I hasten to say there are men of the highest merit and for whom I entertain the greatest respect, among the philosophers who adhere to the idea of Free Will. No doubt their method is not at all scientific, but their sincerity is profound, their disinterestedness indisputable, and their eloquence impressive. Among the best of them I wish to name M. Adolphe Guillot, M. H. Joly, and M. Desdouits, to whose interesting work, *La Responsabilité morale*, a prize has recently been allotted by the French Academy. In it the author gives a history of the new doctrines, very well done, but there is evidence in every page that the writer had resolved, before he undertook the study of his subject, to fight against everything that he might regard as contrary to his spiritualist belief, and to turn everything to the support of his own cause. His reasoning in his refutation of the Determinist conception is quite typical in this respect.

fact of willing resolves itself into three acts, three invariable episodes of the working of our nerve centres.

First.—A sensation, an image accompanied by impulse, or if you prefer it, by desire, movement, tendency to the act. This is always the initiatory force which sets the machinery in motion.[1]

Let us take the most ordinary example. Before my eyes there is a bundle of bank-notes; they can procure for me a great many pleasures which my poverty obliges me to forego; the simple, natural reflex which my hand is impelled to make mechanically, before there is any intervention of reason, is the movement of the beast of prey, that of snatching an object to one's self.

Secondly.—The fact of willing is a phenomenon of memory. The nervous vibration transmitted to the brain by the optic nerve (supposing

[1] Experience shows that the brain, isolated from the outside world and deprived of external stimulus, can do nothing but sleep. At the beginning of each of our actions there is a sensation, an image which tempts or repels, an impulse which arouses us, puts us into the state of deliberation, then into that of action. There is no example of entirely spontaneous mental activity, even in the case of a brain furnished with former sensations and well nourished in its memory. The sensitive call, the centripetal nervous sensation, the movement that enters into us, is the eternal starting-point. "At the beginning was action," writes Faust, and the saying is true in every sense.

my mind to be healthy and uninjured by an habitual narrowing of the field of consciousness) will proceed to transfuse itself in the cells of the surface, wherein recollections of everything that education has given us, all good examples, experience and foresight are stored. No one can have seen my movement. "But," says remembrance, "you know, from having read it, that the great majority of thieves get themselves caught at some time, to say nothing of a prison for you, this means disgrace to all belonging to you. And, just think; you have never had anything before your eyes but good conduct. Your grandfather, your father, your near relations, have all set you the example of strict honesty. Are you going to break with all this past, and with your own habits? Will you risk immediate dishonour near at hand and perhaps eternal punishment, for pleasures that are always brief and often deceptive?" These are strong images, all powerful because they are simple, familiar, customary: their swift procession instantly stifles the bad impulse. Nothing will remain of that bad impulse except an unemployed nervous energy which may manifest itself by immediate tears, by effusions of affection, by some generous action, or may go to swell the treasure of reserved energy.

Thirdly.—The act, the accomplishment, will not occur in this case. Here will has finally arrived at an arrest, at the *inhibition,* Brown-Séquard called it, of a movement.[1]

Now let us change only one factor of the problem. Let us not go so far in supposition as to picture to ourselves the weak brain of a hereditary neuropath, the descendant of irascible, alcoholized or very seriously nervous persons: the impulsive action would in that case take place without any pause, through paralysis of the collaterals; there would be only an incomplete or tardy awakening of the salutary images confided to the memory by education, and the fatality of the evil deed would be only too evident.

But let us take a merely weak, indeed normal, brain, that of some rough fellow from Grenelle or Belleville. The fibres of association work easily in his case; he is not a mere creature of impulse: his acts are deliberate. Consider awhile what the diffusion of the nerve wave may be able to do towards the awakening of sound ideas, of images of good counsel. Since his infancy he has seen none

[1] M. Charles Richet makes the excellent remark that all the human actions may be finally reduced to two gestures, that of drawing to one's self an object which seems desirable, and that of repelling more or less violently an unpleasing object (*Revue scientifique*, November 20th, 1897).

but his kinsfolk, idle, quarrelsome, and quick to strike, and his "pals" of the dram-shop or the dance-house. Upon the stage of his consciousness I can picture images; those of the gendarmes, the judges, the gaolers, and the image of the dark and tedious prison; but how little power have these to struggle with any chance of success against the desire for imitation, and the alluring remembrance of such a number of thefts committed by so many companions. Such a one has never been caught, such another has so "greatly dared" in things forbidden, he has so boldly defied the law that the newspapers tell of his prowess, his comrades admire and recognize him as their leader, and the women of the streets are his humble servants and give him their wretched wages. What pride, what intoxication for that miserable being! This is all he knows of life, and now, as in the other case, come vivid images, all-powerful because they are simple, familiar, and customary, their swift procession joins and reinforces the evil impulse, all prudence is submerged, all fear of punishment is swept away, and the discharge from the brain into the muscle, the executor of movement, is like a blind avalanche.

In both one and the other of these cases it is a very strong, usual, and familiar mental repre-

sentation which has got the better of faint images, ill-impressed on the memory. In psychology, as elsewhere, the strong devours the weak. This may be rendered by the simplest formula of elementary mathematics, according as the intensity of salutary images prevails or not over the strength of brutal appetites: $B > M$ or $B < M$. Given a similar brain and a similar first impulse, that the final result will depend on education—on the quality of the images accumulated in the memory—is the truth at which we arrive.

And to think that the new doctrines of medical psychology are reproached with necessarily implying the suppression of all moralizing education! "The result of determinist principles, were they to pass from the state of theory to the state of practice," says M. Desdouits expressly, "would not only be a bad education, it would be the suppression of all education."[1] It is exactly the contrary of this that appears as evident.

Precisely because we conceive the human Personality as a federation, a total of acquired ideas on a ground work of hereditary tendencies, we believe that on the nature of those acquired ideas the moral worth of the individual will in a great

[1] Th. Desdouits, *La Responsabilité Morale*, ch. iv., p. 140.

measure depend. A large majority of the unfortunates who turn out ill have weak brains, prone to imitation. Let us then give them sages, if not saints, to imitate. Let us strongly impress upon their minds not so much abstract ideas as vivid and simple images also, proper for the inspiration of two simple ideas, hope and fear. Religious education has made its proofs in this sense. So long as it shall be capable of really stimulating minds by the hope of a life of happiness, or of restraining them by the dread of eternal penalties, no legislator, be he ever so utterly devoid of any belief, can regard it as a "*quantité négligeable.*"

Failing religious education, civic education, the mere example of uprightness, strength of mind, moral health, may suffice to furnish a brain so fully as to leave no room in it for opposing images. But we shall return to this matter. Let us at present endeavour to demonstrate that for a brain to will is to serve as the stage on which a struggle between Desire and Memory takes place, or, to state the fact more plainly, it is a fight between motives, in which the strongest will win.

But do not suppose this stage is altogether passive and quite indifferent to the scenes that are acted on it. In the first place, it is conscious of them; besides, it is interested in them in the

sense that its own previous state of exaltation or depression, of active or slackened nutrition, gives the tone to the drama, and marks its pace. An external excitement, insignificant in itself, coming to a constantly irritated brain, may very easily bring about either a convulsive attack, or a violent fit of anger, which amounts to the same thing. I have sufficiently demonstrated, I think, that our fits of passion are only explosions of surplus force accumulated in our nerve centres, which take place with cries and gestures. Over-strong natures exhibit both incredible daring, utterly foolish pride, and that sort of courage which is called cynicism in malefactors. A weak nature is generally manifested by shyness, timidity, melancholy and sloth. These brains also are capable of strong reaction, of blazes of anger —a fire of straw generally—but their particular methods of ill-doing are generally sneaking, cowardly and base.

On the other hand it is not immaterial whether a brain be empty of things or well-furnished. An impulsive force traverses the desert brain of an ignorant person without obstacle; what is more gentle or more tender, but also more ill-furnished than the mind of a moujik? and how fierce was the brutality of these excellent people

on the occasion of the coronation fêtes of the Russian emperor, or on that of the recent outbreak of cholera! On the other hand, indecision is the lot of the man of many studies, of the critic, of the scholar. After the necessity of education, the utility of instruction, so much discredited not long since, becomes plainly apparent.[1]

How are these facts, these indisputable facts, to be reconciled with belief in Free Will? The

[1] I am not unaware that here I am in disagreement with men like Lacassagne, Lombroso, Bournet, Adolphe Guillot, Léon Faucher, Jacques Bertillon, &c. These observers, these thinkers, who differ in opinion upon innumerable questions of penal philosophy, agree to admit that instruction can only render man more crafty, more skilful in evil, and consequently more dangerous. For my part, I am led to think that everything which checks impulse, all that may cause the too intense nervous vibration to become diffused, to spread itself over the surface, must be regarded as moralizing, and that to furnish the brain is inevitably to make it wise. No doubt this is passing from force to cunning, but man can become better only by a change in his impulses. Cunning is not goodness, but by the mere fact that it temporizes, and permits the for and against of things to be considered, and interests to be better understood, it is one step towards true civilization. Hitherto, it has been the truth that increase of instruction has not produced diminution of crime, but let us bear in mind how recent is the experiment, and remember that all periods of transition are necessarily troubled. Neither must we forget that the frightful progress of alcoholism, of intoxication of every kind, has coincided with the diffusion of primary instruction.

honest, upright man, he who decides on doing the right thing for plausible, reasonable motives, is the slave of those motives. When his judgment, or, to be more precise, his memory, shows him that both for this life and for the other it is to the interest of himself and those who belong to him that he shall neither kill nor steal, he obeys reasons outside of himself, placed in him by his educators: he is guided by his original temperament, adorned with all the precepts of wisdom, wholesome examples, and prudent ideas with which his youth was saturated. And likewise, if he obeys some generous suggestion, some fine impulse, it is because nothing to check that noble reflex is awakened in his memory.

Free Will would consist, by definition, in acting —how shall I say it? there are no rational words to convey such impossibility—in acting independently of motives, in getting absolutely rid of one's psychological past, and in deciding by one's self alone, that is to say by nothing, since the Ego is made up of this psychological past. Thus none would be free but the madman, whom nothing plausible arrests or constrains. The wise man, by the very fact that he yields to reasons, is no more than the stage on which those reasons strive for accomplishment. And

here we may fix the meaning of *Determinism*, a word used by so many disputants with so much inexactness.

Human movement, the actions of man, like the other movements of the world, obey natural laws. Now, the first of these laws is that nothing is created of nothing. All things are engendered, everything is only transformation of forces. And the brain, which we are beginning to understand, appears to us as the place, at once sublime and vulgar—made nevertheless out of the whole of nature—where the surrounding energies stirred in nervous vibrations are reflected—immediately, or slowly—to become muscular contractions, gestures and words. Our force is no other than the out-spread force of the world, it is no other than universal movement. It is heat and light, it is sound, it is friction, it is atmospheric electricity, and their incessant variations, which hold us up, and put active images into us. Our sensations are energies which have come into us and which want to get out of us; we restore them to the world each time that we act. Our actions, then, are not our children; they come from causes outside of ourselves, from motives which determine them. According as the brain is feeble, normal, or strong, it gives them a slothful, equable, or

paroxysmal turn; it gives them the tone, but it does not create it.

To will is to be able, says the old formula. Nothing is more evident. When the brain has willed, the muscles certainly cannot refuse to execute the order, unless paralysis exists. But to will is the difficulty. To will in all fulness and completeness, to have no malady of the will, is to possess a well-nourished brain, moderately worked, capable of strong impulses, but endowed with a memory sufficiently furnished to temper those impulses. It is *all* this, but it is nothing more. Free Will is a delusion.

A delusion necessary indeed to the working of the social system, and which it would be criminal to destroy, as I shall be assured on every side. Truly, I do not think so. If it were a question of governing a totally ignorant and enslaved people, carefully kept in the darkness of superstition, no doubt there would be some practical inconvenience in giving them a more strict and true sense of the word "I will." But if we address ourselves to minds already cultivated and open (and this is certainly true of our young men in France), the unveraciousness of the really rather puerile doctrine of immediate and unrestricted liberty will soon become apparent to them and through their own

experience. Do we not continually find ourselves powerless to make an effort, incapable of willing aright? This is a fact of experience, strict and strong in quite another way than that "inner sense," whose real origin we have explained. At the present stage of the evolution of minds, if you teach a moderately thoughtful pupil in philosophy the old conception of personal liberty, he will protest that it is an imposture.

Quite recently the abbé Piat, a professor at the Catholic Institute of Paris, whom we have already mentioned, acknowledged of his own accord that it would be well to modernize and enlarge the idea of Free Will a little. "The question is not of becoming master of one's self by a 'fiat'—that theory is really too childish and too fictitious to be worthy of being refuted. The matter in hand is, *liberty once given in the elementary state and with an infinite ideal*, to obtain *by a sustained discipline that it penetrate the psychological mechanism by degrees*." But the abbé Piat gives us the definition of education, of good habit, not that of liberty, and we agree with him.

Do not teach the youth that to say resolutely "I will" suffices to enable (*pouvoir*). Tell him in all truth that if he is conscious of his imperfections, and if he suffers from them, he

may, by training, by habit, by all the byeways of education, and, if necessary, by all the methodical stimulants or sedatives of the nervous system, by all that we have called *la médecine de l'esprit*, be evolved progressively towards good, and preserve himself from becoming an actual evil-doer.

If you teach him this you need not fear that facts will give you the lie.

And thus it is that the scientific negation of Free Will, so far from appearing to us as the subversive idea, the social dissolvent it has been made out to be, leads us to a morality a little less simple, a little less convenient, and of routine a little less bogeyish than the strictly orthodox morality, but a morality which promises an era of less ferocity to humanity in the near future, one of extenuation, or utilization of its worst specimens for the public good. We may now indulge the hope of a frequently victorious struggle against hereditary defect or accidental unhingement of the cerebral machine. Rational education, mental orthopedy, the hygiene of the mind, these are words which are taking a meaning.

The Second Part

DETERMINISM AND RESPONSIBILITY

CHAPTER IV.

CRIME, REMORSE, AND THE IDEA OF JUSTICE.

The primitive reign of the rude reflex—The idea of crime and the idea of punishment are conceptions of the state of society.—Remorse: the opinion of Herbert Spencer, of Alexander Bain, and of Alfred Fouillée—Remorse and our present knowledge of psycho-physiology—Crime without remorse and remorse without crime: neurasthenic subjects who have scruples, and melancholic and epileptic subjects who feel remorse—Is it well that the truth in these matters should be told?—The idea of justice; hypothesis of its divine origin; hypothesis of its human origin.

We have been brought up among all sorts of artificial notions, accustomed from our childhood to regard the philosophical opinions and the cosmogony of a school whose principal ideas are still officially taught, and impressed on young minds, as eternal truths, and our over-disciplined intellect can no longer think for itself. Thus it is hard for us to take in the fact that the idea of crime and all

the words we employ speaking of it are of recent date upon earth, which is escaping with great difficulty from the condition of savagery. Crime and punishment are conceptions belonging to the condition of society.

We must clearly understand that before the organization of social life the human individual did not feel that he had any duties except towards himself. When another animal or one of his fellows opposed him in the immediate realization of some appetite or some desire, the man's only idea was to suppress that obstacle, and he disposed of the exasperating adversary by a quick and violent movement, not moderated by anything, unless it were the recollection of a former defeat; this alone could prompt him to use gentleness or cunning.

When he was victorious, when the possession of some rich spoil had rewarded his actions, we may be sure that he knew neither sorrow nor remorse, but merely pleasure in gratification and pride in his strength, with the same sense of legitimate effort and good conscience as the heads of States feel in these days after the defeat and destruction of the enemy in a war. Assuredly a time will come when the massacre of peoples by peoples will be regarded as criminal, just as individual murders

are;[1] but we are considering an age of humanity in which the killing of others was not looked upon as a thing abnormal and degrading. For the good reason that Society was not yet in existence, Society could not call for a reckoning; and as nobody knew how to do better, man did not reproach himself with anything. There was nothing but brutality. The reflex was the sole ruler.[2]

[1] It is certain that a great deal of time and much more maturity will be needed to make men arrive at the suppression of battles and armies. At the present stage of the world, there are even yet statesmen who regard international war as a legitimate and fine thing, as an invocation of the judgment of God. "God was with us," says an inscription carved in the stone at the gates of Metz, by order of the German General Staff. This is the tourney of Lohengrin, the mediæval conception of the duel; to us it appears barbarous, as our wars will appear to future generations.

[2] M. Henri Joly forms quite a different conception of the first ages of humanity. He considers that the savage races now existing furnish us with a true image of those ages. Now, the reflex does not rule over all, even in the case of the lowest Oceanic tribes, and justice does exist for the punishment of evildoers. From this, M. Joly draws the conclusion that the most primitive man always had in his heart the sense of the just and the unjust, and belief in the right of punishment. But, in fact, comparison between prehistoric man and the inhabitants of isles at the remotest distance from European civilization cannot be sustained. It is evident at once that the peoples whom we call savages live nevertheless in society, and that for ages and ages collective life has been softening off their angles, polishing their characters, and subduing their violence: this constitutes a civilization.

The idea of crime did not become crystallized until much later, and slowly, according as life in common became organized. Collectivity, being stronger than the individual, suppressed it when it became troublesome and dangerous. As those misdeeds from which the whole body suffered were very frequent, strong men were employed to put an end to them; thus arose the office of the executioner, the first guardian of the public peace. The office of the judge was of a little later origin. As it was often difficult to get at the motives of quarrels, and as some sharpness was required to put one or other of the parties in the wrong, patriarchs, men made peaceful by years, sages, in short, were set apart to discern the real culprit and regulate his punishment. Thus our idea of crime was born and grew. It is human, and it proceeds from us alone.

But, then, what is it that makes us hear within ourselves the voice of conscience, so clear and so imperative, that voice which says, "You are doing wrong!" Whence comes it that in the depths of our being we feel the action of an internal tribunal, which condemns with more certainty than all the judges of the earth? What is remorse?

M. Alfred Fouillée, Herbert Spencer, and Alexander Bain hold this inner tribunal to be

the reflection of social justice in the individual conscience.

In his *Critique des systèmes de morale contemporaine* (Alcan), M. Fouillée says: The imperative authority that belongs to conscience is not only fear of external authority (too coarse an explanation), it is also an imitation of that authority. We do not only conform to the social "milieu," we reproduce it in us. We are not content to answer the command from without by a sort of passive obedience, we end by commanding our own selves. The individual is a small State, in which legislative power, executive power, and judiciary power exist. External and social necessity thus assumes the form of "moral obligation," or command from within.

This is, certainly, an ingenious and very philosophic manner of expression for a profoundly just idea, which our knowledge of cerebral physiology makes us contemplate in a light only slightly different.

All that we know leads us to believe, in fact, that the distinguishing of good and evil is a thing which is learned, that it is not innate, but deposited in us by education; that, no doubt, a long series of forefathers who were honest and upright disposes us to good behaviour, but that

we inherit nothing at our birth but vague tendencies, and not precise ideas or images. The tribunal of our conscience is simply the struggle, perceived by us, between the savagery of our natural impulses and the moderating ideas with which our teachers and our parents try to embue us. It is only an acquired habit of the mind.

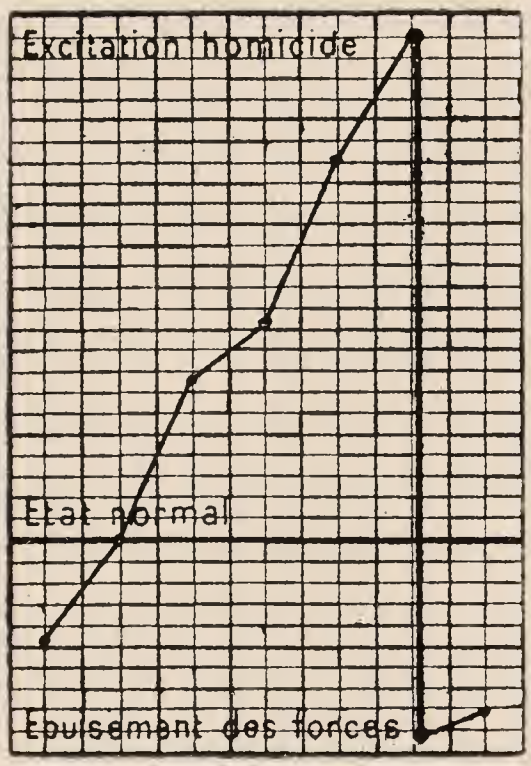
As for the word "remorse," I also think we must seek the profound meaning and the true definition of it in our actual knowledge of cerebral pathology.

The tragic poets and lyrical writers of the age of romanticism have largely contributed to dramatize, to magnify, and by the same means somewhat to alter a little and distort this phenomenon of cerebral action, a humble one after all, by insisting upon it as the direct intervention of a Providence which will not permit evil to go unpunished —or the "finger of God."

But, let us observe in the first place, that a great number of malefactors, and those the worst, exhibit no outward sign of remorse, but, on the contrary, display revolting cynicism. Acute and torturing consciousness of the crime that has been committed, the craving to revisit the scene of it, and to give themselves up to justice, so as to be done with it, are much more frequently found

in the case of weak minds, momentarily excited to paroxysm, accidentally worked up to murderous fury, and immediately cast down into dull exhaustion. A drawing of merely elementary simplicity will show this.

Starting from the lower zones, and from a



chronic state of fatigue, a brain has become rapidly raised to the degree of homicidal excitement. Its very debility has facilitated the fulness of that oscillation. But the crime is hardly committed before a sudden and formidable breaking-up of energy takes place. Force falls from the top of the scale to the bottom in those "cellars of the

soul," where, together with regret, with shame, fear, absolute weariness, horror of self, all that makes up remorse is invariably to be found.

Simultaneously with cerebral excitement a fixed idea had come. The retracted field of consciousness comprehended only one image, one aim, nothing but a brutal and unchecked desire. The world was forgotten, and nothing existed any more. But suddenly, the crime being accomplished, the circle enlarges itself: then memory returns, all the acquired ideas, all the past return to the stage, re-establish deliberation, and the poor wretch has understood. What he has done no longer appears to him as an isolated act, but he sees it in comparison with all that he knows of life; he weeps for the unstained former time, he knows himself hated, repudiated by his fellow-men, and that he will soon be hunted down like a beast. He is utterly crushed.

In over-fatigue, and return of the momentarily-narrowed field of consciousness to the normal, form the double mechanism of remorse; but it is in reality actually nothing but an habitual symptom of great nervous exhaustion, of profound depression. Just as we have seen that vigorous criminals, strong brutes, do not feel repentance, so almost all weak minds are scrupulous, have

a dread of doing ill, and feel bitter regret for trifling or imaginary faults. I have found this frequently in cases of neurasthenia. Recently, one of my patients, a writer of acknowledged ability, who had been very roughly handled by a critic of none in particular, remained for two full weeks in such a state of prostration, humility, fear, and doubt of himself, that the whole of his work appeared to him to be not merely reprehensible, but literally culpable. A tonic treatment restored his confidence, and the revival of his vital energy rehabilitated him in his own esteem. Many men, with something of the feminine in them, have a thirst for encouragement, while the disapprobation of the first comer will upset them. A compliment is an admirable tonic for persons of brain only moderately strong, uncertain consciousness, and ill-balanced personality. This is, perhaps, the secret of the seemingly disloyal coquetries of women: in the homage and assiduity of men, as many men as possible, they eagerly seek for what they do not find in themselves, the inner sense of strength and importance. It is a pleasure to them to attract attention, because (and this is best of all) it raises them to that moderate pitch of excitement, to that pleasant "tone" which the

Greeks called *euphorbia*, and we call "*la joie de vivre.*"

Dr. X., a sufferer from neurasthenia to a grave extent, soon fell into an advanced state of mental depression. He was sunk in the deepest melancholy—entirely physical, and without any cause in the moral order—and strove, by instinct and by natural logic, to justify that state by appropriate reasons, very afflicting reasons, which his brain fabricated. He was full of sorrow, humility, and fear, foreseeing nothing but evil, regarding everything on the dark side, and he soon came to believe that he was about to be suspected by his professional brethren, that the prospects of his family were ruined, that the children of a disgraced man who must shortly be put in prison would find neither husbands nor wives. When he was asked why all this punishment was to be inflicted upon so excellent a man, he did not know what to say at first, but as everything must have a motive, he quickly succeeded in finding one. With a little hesitation at the outset, then with growing precision, he related how, not long before, he had prescribed aconite in poisonous doses, that he had prescribed twenty grains for twenty drops, that death must have ensued. Now, no such thing

had happened: I had the prescriptions which he indicated called for and examined: in not one of them was there an error. Is not this a good example of the affective state engendering an idea, and of remorse as the issue of psychical depression?

In his excellent thesis on *Les États intellectuels dans la mélancholie.*[1] Dr. Georges Dumas gives a truly typical "observation" of the melancholy "Agnès."

The following is his summing-up of the essential points:—

"I question her, and at first obtain only vague answers, indicating a general condition of dejection and suffering: 'she is miserable, she is much to be pitied; it would be better to die!' If I did not persevere she would merely repeat these few sentences, in which she gives succinct expression to the whole of a painful condition. I press her with fresh questions, she explains herself, and confides to me one of the causes of her grief: she has twice been unfaithful to her husband, this occurred some years ago; she had forgotten her fault, she had not ever felt it indeed; but she now thinks of it constantly; a week ago she had acknowledged it to her hus-

[1] *Bibliothèque de philosophie contemporaine* (Alcan, 1895).

band, and although he had forgiven her she is still full of remorse. I endeavour to dispel this idea by reasoning with her, but 'Agnès' is unconvinced, and still weeps. Her remorse has yet another cause; at the time of her pregnancy she had tried to produce miscarriage, and she now reproaches herself with the injection which a chemist had made up for her at her request. Observe that the child born of this pregnancy is a vigorous youth, that his health has always been sound, and that the mother has not suffered. I represent these facts to her, she makes no reply, but goes on at once to speak of another cause of sadness, the death of a relation whom she has lost; then she interprets the future like the past; her son has weak eyes, he is going blind; her husband says he has pardoned her, but he still keeps up resentment, the house she works for will not take her back. . . . Here we have what Malebranche called 'justification,' the wanting to explain an affective condition of entirely physical origin by a motive of the moral order."

But, it will be objected, you are quoting us examples of mad people; and this materially alters the data of the problem.

No, for I am not dealing here with mad persons afflicted with anatomical lesions of the brain, but

treating of sufferers from depression, from much advanced neurasthenia, in whose cases the mind is only functionally lessened. The most of these unfortunates have very few hereditary antecedents, and they are cured, not by suggestion, direct pyscho-therapeutics, the treatment of idea by idea, but by the methodical uplifting of their vital energy and strength, by mechanical stimulation of the nervous system (air cure, increase of alimentation, static electricity, hypodermic transfusion of saline solutions, &c.).

I now give the synoptical table of the vital energy of a neurasthenic patient of the remorseful order ("*à remords*") before cure and after treatment.

I have seen epileptics, in the period of physical and moral breakdown which generally follows the attack, repent of insignificant faults with the most profound humility, ask for Confession, and even after the sacrament exhibit profound regret and excessive shame. But, in proportion as the energy, which has been exhausted by the convulsions of the fit, revives, their condition of shame and regret becomes modified, and is, like the exhaustion, effaced by degrees. It is said that work gives peace of heart with the happy sense of duty fulfilled, and the state called

a good conscience. This is true of moderate work, proportionate to our degree of strength, for it draws off the overplus of our energy and

	DURING ILLNESS.[1]	AFTER CURE.
Arterial tension	11 cm.	18 cm.
Dynamometrical strength { Right hand / Left hand	28 k. 23 k.	46 k. 35 k.
Number of red globules...	2,700,000	4,929,000
Activity of reduction of the red into black blood	0,62	0,95
Threshold of sensibility	12 cm.	2 cm.
Urea emitted in 24 hours (nutrition) ...	13 gr.	24 gr.

[1] All the low figures in this column are applicable only to moments of melancholy depression, of physical and mental inertia. A patient who makes great lamentation and weeps profusely is, in reality, in a phase of enervation, of relative excitation, and, at that moment, his arterial tension is higher, the threshold of his sensibility is more narrow, the reduction of the red into black blood is more rapid. The patient, in almost all cases, falls into a state of increased prostration.

restores our equilibrium. But, on the contrary, excess of work, abuse of one's powers, great overtasking, darken and disquiet the mind, and fill it with self-distrust.

And the process is always the same: a rooted despondency, the mental reflection of bodily decline, seeks a logical reason, so that it may not be called madness, creates a paternity for itself, invents a cause. Thus we see that the physical, and it may be called the experimental, remorse, which the malady exhibits, corresponds to sadness, shame, fear; all these are states of depression, the offspring of fatigue only, and remorse is decidedly not the doing of Providence, since the worst criminals have no sense of it, and the innocent sufferers are cruelly tormented by it.

Just as I had written these lines a picture, which has given me something to think about, was placed before my eyes.

It is the coloured illustration of a halfpenny newspaper, and it represents Vacher, the murderer of shepherds, asleep in his prison and tortured by the hideous nightmare of his guilt-laden conscience. Death whirls his scythe around his head; the outline of the avenging scaffold is profiled on the disc of the blood-stained sun in the east, and he is surrounded by innumerable victims of his awful mania, each one's neck marked with a red wound, and all pointing at the assassin. "Before the hour of the supreme expiation has begun," is the inscription.

The artist who has signed this tragic composition and myself are pursuing a similar object, but by what different means! I venture to tread new paths, he adheres to tradition. Whatever his personal opinions upon the responsibility of criminals may be, he has felt it his duty to render this one still more odious, more detestable to the crowd. To those vagabonds who may be tempted to some deed of blood to-morrow he appeals, with the sort of eloquence which such a public understands best: "There you see the inner torture, the terrible company that for ever haunt one who has shed blood!" That simple picture, visible in the front of every news-shop, within the reach of the humblest purse, may, perhaps, send a salutary thrill through some wretched youth who is about to step over the fatal barrier.

And what am I doing, meanwhile, for a smaller public, it is true, for those who judge crimes and not for those who commit them? I am striving to strip the idea of remorse of its falsely avenging and justiciary apparatus. I have taken my place among those who dispel delusions, who summon their fellows to look plain rough truth straight in the face, and I come forward to abjure, in my turn, some of the falsehoods which

from all time have been employed in the government of men. I am doing precisely that work which my distinguished friend, M. Paul Bourget, has so eloquently deplored and branded in his fine work *Le Disciple.*

Which of us, the draughtsman or myself, is doing what he ought to do? Both one and the other, perhaps, and will not almost all depend upon the quality of the soil on which the seed shall in each case fall?

No doubt this portrait of Vacher in the pangs of remorse may have a moralizing influence—unless indeed it should arouse the sentiment of wicked pride in those bandit-brains which are so strangely prone to vanity. Among them many exist readily to be tempted by such wide publicity, and a much-envied celebrity attaches to having one's horrid portrait in such extensive circulation.

The mental representation—even a coarse one, provided it be vivid—of an avenging God, from whom there is no escape, is undeniably very capable of checking formidable impulses, although history teaches us that the epochs of great faith were not the least ferocious.

But, on the other hand, surely it is not a despicable thing to proclaim the truth. Is it

imprudent? Not so, if one gives it to those who are worthy of it, to those who are ripe for the hearing of it. If I must be fully explicit, I do not believe much in the engendering of crime by idea; it is our passions that drive us into evil; we do not find many murderers through philosophy. Knowledge, erudition, criticism, the understanding of things, may lead to theoretical nihilism and practically to dilettanteism, to inability to act, but not to paroxysm. And then, how can it fail to be understood that truth is inevitable, that we must always come to it, that it will not depend upon us to hasten or retard the hour, that it must and will be forced upon us. Let us, then, accept it frankly; instead of mourning over some lost illusions, some inveterate habits of the mind, let us yield to the current that carries all before it. Let us stand in equal fear of unwise haste, extreme impatience, and a vain clinging to the past.

Perhaps we may be able to show that this psychology which you call pitiless, deceiving, imprudent, and destructive of all morality, leads us to practical consequences at least as helpful as those which result from our poor actual means of repression and intimidation.

But let us first complete our present task, which

is to define terms, and to get down, so to speak, to the bottom of the words which we use every day without having a clear idea of them.

For instance, let us ask from whence do we derive the idea of justice? It seems to be deeply rooted in us, fundamental somehow, without our knowing why.

The explanation which at first presents itself to the mind is the easiest; it consists of attributing a superhuman origin to our idea of justice. Through an indolence, which is natural to the human race, many magistrates and jurists adhere to this notion that the idea of justice has a divine source, and that the Mass of the Holy Ghost, which inaugurates the annual re-opening of the courts, is a true symbol, signifying that the magistrature holds power to judge and right to punish from God. Such, in these very words, is the opinion of a republican magistrate, eminent by his rank, his age, and his intelligence, to whom I recently went for instruction; he would not have failed, however, to shrug his shoulders if any one had told him that the institution of monarchy is also of right divine.

Well, at present there is a tendency to admit that the genesis of the idea of justice is simply human. Littré had already likened it to an idea

of compensation, and attributed it to our natural need of harmony, of equilibrium; he made it asthetic. The knowledge we have since acquired of cerebral function enables us to speak of it with greater precision.

To make my meaning more clear, let us admit and take literally the symbolic legend of Cain and Abel, and fancy ourselves present at the first combat ever fought upon the earth.

At that time, the nervous system of man, infinitely less complicated than it now is, full of rudimentary images and void of general ideas, proceeded by simple reflexes. If my reader will look back to what we have learned together of cerebral anatomy, he will conceive this brain of primitive man as denuded of neurons of association and furnished only with neurons of projection connecting it with the external world by the sensitive duct and by the motive duct.

Now, the quarrel between the two brothers is in this wise. Abel, being struck by Cain, strikes back, he transforms sensation into corresponding action. Cain replies. He is stronger, more bestial, quicker. His brutal fist reduces Abel to powerlessness, and there we have the weaker, with let us say a broken arm, no retort is possible. He has, however, perceived his brother's heavy

blow; a vehement nervous vibration has come to his brain; it cannot escape, become a similar act, and transform itself into accomplishment, as every sensation in an impulsive and simple being is accustomed to do. The reflex remains as though in suspense, unfinished, the desire is unsatisfied, the balance is upset. And that pang of movement paralyzed, of vengeance balked, of that "no farther shalt thou go" suddenly supervening, while the entire being was rushing to action, that remaining vibration of a sensation which does not pass on, is the dawn of a general idea, of an idea of injustice, which preceded, as I believe, the idea of justice. The latter came later, when, for example, a feeble and almost beaten man beheld his adversary devoured by a wild beast, crushed by a rock, killed by a bolt from the blue; then his natural movement was to fall on his knees, to bow himself down to adore an unknown Force. The idea of justice, still very vague, became incarnate for him in whomsoever had released him from slavery or from imminent death, and restored the balance by aiding his impotence. Much later, when men had become possessors, when property began to be organized, when social life was constituted, the idea of justice became generalized, it was

formulated and taught, and it struck root in men's minds. Never do to others what you would not have them do to you, is the humble primordial axiom, born of experience, then promulgated by religions and laws, which by degrees penetrated the hearts of men and fixed themselves deeply there. Then only could the inner sense of personal merit and demerit have arisen. Abel did not know whether he had or had not deserved his brother's assault; even so a child does not know just at first whether he has deserved to be scolded: it takes a whole education to make the voice of his conscience heard. And we know how erroneous his reproaches often are.

CHAPTER V.

THE IDEA OF RESPONSIBILITY.

John Stuart Mill, the Turinese school, Herbert Spencer, Alfred Fouillée, Paulhan, Gabriel Tarde—Discussion of examples—Responsibility, function of antipathy and of identity—Increasing importance of cerebral pathology—The mechanism of relations—Conditions of production of a crime; the share of heredity and the share of education in the genesis of the deed—The example of Caillard—Must the principle of moral responsibility be maintained?—The true *rôle* of the judge; it does not consist of discriminating between degree and extent in punishment, but really: (1) in putting it out of the criminal's power to do farther harm; (2) in substituting the composure of the magistrate for the wrath of those who are injured; (3) in feigning to punish, in order to intimidate evildoers.

And now we have to face a problem much more complicated and more delicate than all the others, the problem of *responsibility*.

We have looked into a number of established ideas, we have attacked more than one belief fortified by its antiquity, we think we have detected the purely human origin of remorse, of the idea of crime, of the idea of justice, and we have

accumulated the arguments of the physiological and psychological order which oblige us to regard Free Will as an illusion. Now we must ask ourselves whether, yes or no, we have a right to render a malefactor responsible for the crime he has committed, whether we ought to defend ourselves from him as though he were a mad dog, or to punish him in the very name of his dignity as man, whether we ought to admit legal responsibility only, or to take a moral responsibility into account.

At first it would seem that, after all we have said the question must be already solved, and that with the notion of Free Will that of moral responsibility ceases to exist. We shall find that this is not so and that no question was ever more eagerly debated or at greater length. Physicians and anthropologists are accused of approaching it in too radical and simple a spirit, and no doubt philosophers complicate it willingly, yielding, it may be unconsciously, to the pleasure of displaying the infinite resources and inexhaustible subtleties of their dialectics.[1]

John Stuart Mill, a pitiless and perfect logician,

[1] The history of these ideas has been admirably given by M. Th. Desdouits, in his *Responsabilité morale*, from which I borrow more than once here.

teaches absolute determinism.[1] Phenomena occur in succession without there being relation of cause to effect, properly speaking. I am not the cause of my actions: I have not then moral responsibility. The general interest alone exacts the punishment of individualities harmful to the commonweal, and the malefactor is not truly responsible except as regards society. He knows that society punishes acts of that sort; he then expects the natural consequences of his crime; he consequently imputes it to himself, and it is thus that he is responsible for it. This mechanism being set going once for all, that habit of mind being formed, he arrives at imputing all his bad actions to himself, even if none but he knows of them.

Dr. Dubuisson has expressed this view in admirable language. He admits that it is enough to establish responsibility that the criminal be sufficiently intelligent to know what is permitted and what is forbidden by the laws of his country. "It is the penal law," he says, "that comes to the aid of the criminal. Cupidity, sexuality, the instinct of destruction want to be satisfied; but the man's intelligence shows him that the result of such satisfaction will be to harm him in his

[1] *A System of Logic*, French translation (Alcan).

property, in his liberty, in his life; that is to say, in those same instincts which he is ready to indulge; and, provided that there is sufficient intimidation, it then happens that the evil instincts, drawn in a contrary direction, check themselves and become neutralized. Without the penal law, that is to say, without intimidation, the perverse would be helpless against their perversity and could only obey it.

Lombroso and the group of Italian criminologists start, as we know, from anthropological data.[1] No doubt the most astute and the most modern of them, Enrico Ferri especially, are well aware of the complexity of the causes which engender crime, but they impute fundamental importance to the marks which constitute the anatomical type of the criminal. This means the fatality of crime. They, therefore, hold a criminal responsible only because he is dangerous. "The right to punish is simply that law of nature in virtue of which every organism, and the social organism in particular, reacts against what disturbs its conditions of existence." And Baron Garofalo, who is the legist of the group, urges the application of these ideas to the penal code. "Hitherto,"

[1] C. Lombroso, *Applications de l'anthropologie criminelle* (1892, Alcan).

he says, "penalties have been graduated according to a false idea of Free Will and moral responsibility. None being free, we no longer punish in proportion to the degree of liberty, but keep in view the interests of society only, and proportion the punishment to the formidable quality of the criminal."[1] This terribly radical and simple doctrine gives rise to strong objections in France. Faith in the automatic type is the negation of all criminal psychology and sociology: sociologists and psychologists protest vehemently. They proclaim that we have within us a moral ideal—the individual reflection of the notion of general interest—and that, consequently, we are responsible twice over, objectively and subjectively, in the name of the law of the world's evolution towards "the better," and in the name of that law which is graven in our conscience in the form of commandment. This is the idea of Herbert Spencer, taken up by M. Alfred Fouillée.[2]

M. Paulhan[3] holds that moral obligation is a manifestation of the organizing tendency of our mind, that is to say, of our natural need to keep

[1] *Garofalo, Criminologie* (3rd edition, 1892, Alcan).

[2] A. Fouillée, *Critique des systêmes du monde contemporaine* (Alcan).

[3] M. Panthan, *Revue philosophique*, 1886.

ourselves in harmony with the general laws which register the evolution of the world. Remorse of conscience is a reaction of that organizing tendency against everything that tends to disorganization. Legal sanction is the expulsion of the individual who disturbs the social organism ; moral sanction is the reaction of the mind against the acts which are a violation of natural laws. This is an ordinary, foreseen consequence; to expose one's self to it, to render one's self liable to provoke that reaction, is moral responsibility, absolutely independent of Free Will, which M. Paulhan does not admit. Consequently, then, the man is so much the more responsible according to the greater or less conformity of his actions to his character, his habits, and his passions. Far from being excuses, habit and passion become aggravating circumstances, and the ordinary scale of responsibilities must be reversed. The lunatic himself may be responsible, if the deed that he commits is consistent with his character. Likewise, the merit of a good action is not in direct but in inverse ratio to the effort, and it is not true that there ought to be more joy in heaven for the conversion of a sinner than for the coming of the just. This is an ingenious doctrine, set forth with remarkable ability by an eminent psychologist

but very theoretical and not likely to enter into morals (*moeurs*).

No one could attempt to give an idea of the value and beauty of the writings of M. Gabriel Tarde in the small space to which I am limited. They consist of eight or ten large volumes, in which the author gives unrestrained play to his great thoughts, his essential ideas; these may, however, be reduced to two or three propositions, which I deprive of their charm by detaching them from the fascinating and eloquent whole.

M. Tarde holds that idea of moral responsibility remains independent of belief in Free Will, which he regards as a rejected hypothesis, and henceforth useless. We ought to consider and treat as responsible every man who has shown himself violently antipathetic to his fellows, and unsociable, provided he be identical with himself.

Let us explain.

Although we are not free, society cannot possibly treat men, however perverse, like mad dogs, to be got rid of. The individual has a value in himself. Punishment ought not then to be solely utilitarian and to have the interest of society for its only motive. By the side of legal, objective responsibility, there is moral, subjective responsibility. That responsibility is so much the more

complete in proportion as the man is more identical with himself; it is reduced if he is attacked by some disease of personality, for instance:—

Madness, which disassimilates and alienates.

Drunkenness, which destroys identity.

Hypnotism, which doubles personality.

Old age, which weakens and disorganizes the mental faculties.

Enrico Ferri opposes strenuous objections to this doctrine. Moral responsibility without Free Will appears to him unmeaning, personal identity a fable, and the application of the doctrine of M. Gabriel Tarde practically dangerous and unacceptable.

I regard it as deserving of much more consideration, but in trying to elucidate this difficult discussion it is better to leave the abstract for the concrete, to revert to the cerebral mechanism which we have already studied, and to endeavour to avail ourselves of fresh information which was not within the reach of either M. Tarde or his adversaries.

Let us proceed by examples, and suppose, if you please, that I am acting as *médecin légiste* at the assizes. It happens that the jury this time is composed of particularly well-informed men, and the court of magistrates are persons acquainted

with every question of anthropology, sociology and criminal psychology. I know that my expert opinion will have great weight in the finding of the jury, and much influence upon the sentence in all the cases submitted to my examination.

There are five murderers to be tried.

No. 1.—A proved epileptic who, in an attack of the "ambulatory" kind, has set fire to a farm and killed a passer-by, without retaining the least recollection of the facts.

No. 2.—A drunkard, who, in a fit of delirium with hallucinations, has killed one of his associates who appeared to him under the form of a strange and dangerous beast.

No. 3.—Vacher, the slayer of shepherds, who roamed about, and killed two score victims on the roads of France.

No. 4.—An amorous neurasthenic subject, who, in a violent fit of jealousy, killed his mistress and just missed killing himself.

No. 5.—A thief, who, being caught in the act of forcing a safe, has made use of the knife with which he had carefully provided himself.

To these five wretches such punishment has to be awarded as shall be in proper proportion to the individual deserts of each, while also the public tranquillity has to be safe-guarded.

For my better information I call into consultation a criminologist of the Italian school, a disciple of M. Tarde, and one of our skilled *médecins légistes.*

The following is the opinion of the latter: —

The epileptic, being absolutely irresponsible for his malady and for such accidents as it admits of to himself and to others, shall merely be placed in hospital, or, for greater security, in a lunatic asylum.

The drunkard may be regarded as responsible for his intoxication, and yet it is not everybody who can become a drunkard; there must be a nervous predisposition, frequently hereditary. Besides, at the moment when the murder was committed, he was in a state of absolute unconsciousness, of delirium. It would be well that he should be placed in a special asylum, half-hospital and half-prison, to be released only when his cure shall have existed for a sufficiently long period to prevent the fear of relapse.

Vacher, the shepherd-killer, a conscious impulsive, is in truth a sort of madman, although he can reason with respect to the common things of life fairly well. The very enormity of his foul deeds ought to save him from the scaffold; if he were charged with one murder only he should

be condemned to death without being subjected to a medico-legal examination; but he has so often glutted his horrible mania, and that with no plausible motive, for no cause, for mere pleasure, that he must be treated as a brute with but vague consciousness. We will say therefore that he is only half responsible, that he ought to have the benefit of extenuating circumstances, but that, for the safety of the public he must never again be set at liberty. He shall be condemned to hard labour for life.

The amorous assassin, although more intelligent and better educated than the other four, has nevertheless the excuse of a sincere passion. It is a habit of our mind to regard the condition of strong emotion as an extenuating circumstance, because it changes the most tender into a wild beast. Although his attitude at the trial be affecting, he shall be condemned to some years' imprisonment for the sake of example.

As for the housebreaker who has committed murder from greed and with premeditation, his health is not impaired, he is fully responsible: his head may fairly fall.

The criminalist of the Italian school will pronounce these five men to be equally irresponsible. He will advise the application of the extreme

penalty to Vacher, but also to the epileptic and the drunkard, who are very formidable, and he will be more indulgent to the thief and the lover, who have been led into crime by more or less accidental excitement.

The pupil of M. de Paulhan will admit no excuses for the lover's crime, passion being rather an aggravating circumstance; a naturally jealous and choleric man is, he will say, very responsible indeed for the sanguinary results of his temperament, of his original nature.

Not one of these three solutions is fully satisfactory to me. The hierarchy of responsibilities and punishments, as my *confrère* the medico-legal expert has settled it, is belated: it rests on a conception of Free Will and cerebral function which is old-fashioned and really not very scientific. It has in its favour, however, that it is in conformity with tradition, and does not shock common sense too much, but, nevertheless, who can tell us with authority that people must be held responsible, and the more so as we perceive them to be more conscious and less ailing in mind. Now it seems to me that the thief who has long and skilfully planned his housebreaking venture, and has foreseen assassination as a probable part of it, must be less formally ill, and,

in short, less mad than the epileptic in a fit or the drunkard in a crisis of delirium.

In practice, neither the disciple of M. Lombroso nor the disciple of M. Paulhan gives me satisfaction, and the revolution which they propose, very curious in the domain of ideas as it is, turns in practice to strange consequences, of which it suffices to say that nobody is ready to apply them.

The pupil of M. Tarde propounds a doctrine more strongly, and, if I may say so, more deeply psychological; we must discuss it at greater length.

His theory, let us remember, is this: a man may be said to be morally responsible when his person is identical with itself, when it has not undergone any pathological alteration, when the "subject" is neither hypnotized, a madman, a drunkard, nor a feeble old man of weak mind.

In that case we shall quickly come to an agreement upon the three, or even the four first cases submitted to us for examination by the *Cour d'assises*. We must look more closely into the fifth case, that of the man who killed in order to steal This man is neither a drunkard nor a madman he is twenty-five years old, and nobody has hypnotized him and suggested to him to go and break

open a safe and kill a man. Greed and cruelty are at the very bottom of his nature; he is cynical and wholly detestable; he is *identical* with himself. He is then entirely responsible, my interlocutor will say, from the double point of view—social and moral, objective and subjective. Not only have we a right to defend ourselves against an always possible return of his ferocity, not only is it our duty to punish him for example's sake, but we are in our right in punishing him, in inflicting a chastisement in the very name of his dignity as a man.

No doubt he, no more than any other, is possessed of Free Will, but he alone of the five "subjects" submitted to our examination has nothing of the invalid about him. He does not exhibit the anatomical characteristics of the criminal type as it is depicted by Lombroso. This man is neither mad nor epileptic—I find none of the signs of formal hysteria in him; perhaps he is very vaguely neurasthenic, that we all are a little; he has nothing in common with the cannibals of the Pomotou Islands, and most of the physical signs of degeneracy are absent in his case. None of his kinsmen have been criminal: atavism does not come into his "affair." Once more I declare that his personality remains intact, that his health is

good, and I say that he must be held responsible, precisely because he is wicked, just as he breathes, and according to his very nature.

By thus taking literally and to their fullest extent each of the various hypotheses that have been put forth during the last twenty years,[1] the pupil of M. Tarde holds good cards. But as the question here is not of a discussion before a congress, but of a simple clinical observation of a case which we are impartially endeavouring to understand, my adversary will be willing to acknowledge with me: firstly, that if no kinsman of this person had been imprisoned as a criminal, his father, intoxicated by alcohol, syphilis, tuberculosis, or some other poison,[2] was rude, quarrel-

[1] M. Tarde has, in fact, shown us how many contradictions the desire to assimilate crime to a certain neurosis or a certain pathological condition has involved. We have seen Lombroso by turns holding the criminal to be now a victim of atavism, again an epileptic, a hysterical subject, a savage or a madman. Benedikt has assimilated idle and thievish vagabonds, whose leading characteristic is irritable weakness, to neurasthenic subjects. M. Magnan and M. Feré make the perverse and wicked man a degenerate. M. Laurent has discovered the marks of physical degeneracy on a great number of prisoners. And I am of opinion that there is a portion of truth, greater or less, in each of these doctrines, which are, individually, too exclusive.

[2] The more we pursue the psycho-philological study of convicts, the more we observe the growth in enormous proportions of the *rôle* of intoxication. Our prisons are peopled

some, impulsive—quite enough to make his son the inheritor of a tendency to paroxysm; secondly, that no doubt the man himself is not to be likened to a cannibal, but that his mind is remarkably like the mind which belongs to all men left to solitude, and reared out of contact with society; thirdly, that if he does not exactly show all the physical signs of degeneracy, he reveals the mental stigmata, significant in other ways to neurologists of the modern school; fourthly, that if he is not a raving madman, he is nevertheless unbalanced, and that although he has not hysterical attacks and epileptic fits, his brain nevertheless does not work in a normal fashion. Whatever you may say, he is a sick man: one of his organs, the brain, is touched by a functional trouble, concerning which we shall explain ourselves presently; and you make that man responsible for a paralysis of his neurons, while you would probably be very unwilling to impute an analogous disorder of any other organ of his body, the heart, or the stomach, for instance, to him. I am well aware that our brain is the organ that drives all the others, but

with the sons of drunkards, syphilitic subjects, vicious young men born of parents who were neuropaths, consumptives, &c. It may be safely affirmed that at the present time heredity is the rule among malefactors.

it is no less subject to the laws of the organic life which it is charged to distribute and to regulate. I willingly grant that in the actual case the fact of malady does not appear so evident, so patent to us as when hypertrophy of the heart or cancer of the breast is in question. Reflect, however, and see how the domain of disease widens according as our knowledge becomes more extensive.

Only a century ago, if a tramp whose hands were red with blood and blackened with smoke had been met close to a burned-down farmhouse and a corpse still warm, and if the man had made answer to the pressing questions put to him: "I know nothing, I do not remember anything, I do not know how I came here," instead of suspecting epilepsy in him, he would have been regarded as a liar, and quietly put to death. That tramp is, however, the same man whom we are now all agreed to send to the hospital.

I have related at full length[1] the history of an unfortunate fellow, Albert D——, celebrated in the annals of neurology, whose life may be summed up in the facts that he was put in prison thirty times, that he was condemned to three years of "*travaux publics*," that he was very near

[1] *Introduction à la Médecine de l'Esprit*, chap. ii., page 80 and following (Alcan).

being hanged, and that, he is nevertheless an excellent man, of sterling honesty, hysterical, subject to ambulatory fits, travelling all over Europe like a wandering Jew;—perfectly inoffensive moreover, never having harmed a fly. In 1882 he came back to the garrison which he had quitted suddenly, being urged by one of his irresistible impulses, placed himself again in the hands of the military authority, and was tried for desertion. The military doctors, unaccustomed to deal with maladies of the mind, refused to regard him as a patient. The officers who tried him regarded him as a common deserter, and he himself dared not tell what had impelled him to go away. A lawyer, appointed by the court, pleaded irresponsibility, in careless perfunctory fashion, and Albert D—— was condemned to three years' labour on the roads in Africa. His conduct was so perfectly exemplary that he was pardoned at the end of a few months. The error committed by these army doctors in presence of a disease which was very ill understood in 1882 is perfectly excusable. At the present time we most surely commit others equally deplorable; they will make themselves apparent to us according to the growth of our pathological knowledge. But from this time forth, is it possible for us to

consider the man who kills, or who kills himself, as normal, in good health, and completely well-balanced?

There are maladies whose lesions none can ever show us. Evidently medicine cannot be asked to describe lesions characteristic of crime in the brain; that would be simply absurd. And yet, bear this well in mind: the fine microscopic anatomy of the nervous centres now reveals to us the *raison d'être* of certain forms of mental alienation and of epilepsy whose cause had hitherto escaped us: this cause is certain destructive or irritating lesions of the cerebral cell and its prolongations, or again, of slight thickening of the covering of the brain, the meninges. These congenital rugosities, or wrinkles in the brain-cover, mostly arising from some poison in the case of progenitors, drunkenness, syphilis or tuberculosis on the side of father or mother, constantly produce either physical symptoms (external signs of degeneracy, malformation, rickets, epilepsy, idiotcy, all these are different kinds of neurosis), or else modifications of the mind (impossibility of fixing the attention, innate perversity, the liability to fits of rage, the impulse to commit rape or murder). Each day we are more imperatively driven by the facts of observation and experiment

to believe that what is called degeneracy is the result either of anatomical lesions or inherited poison. These lesions and those poisons do not suffice to make criminals, but they constitute an admirable state of predisposition towards every sort of formidable exaggeration, and all the acts of a beast of prey.

This is, very likely, the case of our thief-assassin, M. Tarde tells us that he is identical with himself, and therefore quite responsible. But he owes that identity, that unity of his person, which has made him an ill-doer from his childhood, solely to his heritage of disease, and what you impute to him and want to make him responsible for, is, properly speaking, his progenitors' drunkenness, syphilis or tuberculosis. Is this true justice?

Will you render him more responsible on account of the education he has received and the examples which the circumstances of his life have set before his need of imitation?

Let us recapitulate what has already been said of judgment, regarded as cerebral action.

"The fact of willing similarly resolves itself into three actions, three invariable episodes of the working of our nervous centres:—

"*Firstly.*—A sensation, an image accompanied by impulse, or, if you prefer the expression, by

desire, by movement, by tendency to an action. This is always the initiatory force which puts the mechanism in motion. Let us take the readiest example. I know that a bundle of bank-notes is within my reach; the stolen money will procure me a vast amount of pleasure which my poverty forbids; the simple, natural, reflex action which my hand is impelled to make, mechanically, before any intervention of reason and judgment takes place, is the gesture of the beast of prey, the movement of taking an object to one's self, the movement of seizure.

"*Secondly.*—A phenomenon of memory. Supposing my mind to be sound, and free from an habitual narrowing of the field of consciousness, the nervous vibration, transmitted to the brain, will proceed to diffuse itself through the cells of the surface where recollections of all the good example, experience, and foresight accumulated in me by education are stored. Nobody can have seen my movement. 'But,' says memory, 'you know, because you have read it, that the great majority of thieves are caught one day or another: this means disgrace for all who belong to you, to say nothing of a prison for yourself. And, remember, you have never seen anything but good conduct. Your grandfather, your father,

all your kin, have set you the example of strict honesty. Are you going to break with this past, and with your own habits? Will you risk immediate dishonour—perhaps also eternal punishment—for brief and often deceptive pleasures?' These are forcible images, all-powerful because they are simple, familiar, customary; the rush of them smothers the bad impulse in an instant; leaving nothing in the mind but an unemployed force which may translate itself into sudden tears, effusions of affection, or some generous action, according to the temperament of the individual, or may remain to increase his reserve of energy.

"*Thirdly.*—In this case, the act, the accomplishment, will not take place. Here, the working of the will has finally led to an arrest, to the *inhibition* of a movement.

"Now, let us simply change one factor of the problem. Let us not go so far as to suppose that our thief-assassin has the brain of an hereditary neuropath, bequeathed to him by drunkards, or by persons afflicted with tuberculous or grave nervous diseases. We will suppose him free from ancestral taint, for if we endow him with a sickly constitution, and give him patches of sclerosis to irritate his cordex or restrain the collateral fibres of his neurons, the impulsive deed would be done

without any possible arrest, by the paralysis of his collaterals. Only an incomplete or tardy awakening of the salutary images which education had entrusted to memory would occur in his case, and the fatality of the evil act would be too evident.

"But let us suppose the thief-assassin to be a person of weak or even normal brain, who has been reared among the lads of Belleville or Grenelle. The threads of association work easily in his case: he is not merely impulsive; his actions are deliberate. Just consider awhile what honest notions, what images of good counsel is the effusion of the nerve wave to arouse in him. All his life has been passed with parents who were idle, quarrelsome, ever ready for a fight, and with his companions of the barrier-ball and the drink-shop. On the stage of his consciousness I discern the several images of the gendarme, the judges, the gaolers, the dull dark prison, but how are these to strive with any chance of success against the need of imitation, the recollection of thefts committed by so many of his companions! There is so and so, who has never got caught; and there is another who has ventured on many forbidden things, defying the law so boldly that the newspapers relate his

feats of prowess and give his portrait, his comrades admire him and acknowledge him as their chief, and the women, his humble servants, give him their shameful wages. What a proud, intoxicating example for that poor ignorant being! Here is all he knows of life, and so, when images, all-powerful because they are simple, familiar, customary, crowd upon him, as in the former case, they reinforce the bad impulse: prudence is submerged, fear of punishment is swept away, and the discharge from the brain into the muscle which executes the movement, is as blind as the fall of an avalanche.

"In both instances a strong, usual, and familiar mental representation has gotten the better of faint images, imperfectly impressed on memory. In the case of each of these, and his cerebral impulse, the final result is, as we say, the 'function' of education, that is, of the quality and the quantity of the images accumulated in the memory."

Let us repeat that our personality is constituted only by our hereditary tendencies, and by the total of the information which we accumulate at every second of our existence by sensation. Moreover, its alterations and its variations depend on the richness and the anatomical or functional integrity

of our neurons and our fibres of association. Let us again look at the drawing of a neuron,[1] and once more remember that human goodwill is nothing more than the free play of the collateral fibres and the neurons of association, which permits us to compare an impulse of the moment with the whole of our previously acquired wisdom. Let us, carrying this torch, shed light upon the dark minds of certain malefactors.

Here we have a case of hereditary intoxication before us. Alcoholism, syphilis, tuberculosis, great nervousness, a progenitor's eruptive fever, has produced fine anatomical lesions in this brain which paralyze its fibres of association, and prevent them from coming in contact with the neighbouring cells. How could that man repress impulses which he does not compare?

In a second case we find irritative lesions of the surface. From time to time, by slow accumulation of energy, they produce violent nervous discharges and paroxysms in it. If these paroxysms are quite unconscious, there will be nerve crises and convulsive attacks; if their lesser intensity allows consciousness to subsist, there will be fits of fury and of wickedness.[2]

[1] See page 8, figure 3.

[2] See *La Médecine de l'Esprit*, ch. ix.

Here is another murderer whose moral health has been warped by an acquired poison. He drinks, or takes morphia or ether.

A fourth has, naturally, so little will that his brain acts only automatically by subjection to a habit once formed and thenceforth irresistible. Now, we form our habits according to our surroundings and the examples that meet our eyes.

What is to be said of those hysterical persons who are in the chronic state of fixed idea and narrowing of the field of consciousness?[1] Is not fixed idea itself the negation of free choice, of Free Will? Think again of all those neurasthenic subjects, whose brain works in the most fluctuating manner only, and who are constantly passing from weakness to irritability, from indolence to anger, from despondency to exaltation. Will you maintain that they are to be regarded as persons of well-balanced mind, and take their strange reactions into no account?

Lastly, what are we to think of all those unfortunates whose mental mechanism is not, properly speaking, impaired, but whose consciousness is simply void of good education and full of bad examples? In themselves, by natural tempera-

[1] See *État mentale des hystériques* (Rueff) and *Névrons et Idées fixés*, by Dr. Pierre Janet (Alcan, 1898).

ment, they are nothing, neither good nor bad. Their puny personality has no resource but the imitation of others. They do that which they see done. Suppose they see nothing done but evil?

It is not yet a quarter of a century since we doctors first learned the mode of action of our nerve centres with any precision. I believe I am one of the first to place these ideas, which are really indispensable to the comprehension of the psychology of crime, before the general public. It is because he had them not that M. Gabriel Tarde held so firmly to his conception of a moral responsibility independent of Free Will, and based upon the identity of the person. He did not live to witness the great extension of the field of cerebral pathology, of our knowledge of the maladies of the moral sense. He was not kept on the alert by the labours of M. Henri Monod and Dr. Pactet, showing how great a number of madmen our judges send to prison, by the researches of M. Pierre Janet into the mental condition of hysterical subjects and the narrowing of the field of consciousness, by our studies of the fluctuations of the brain in cases of neurasthenia, by everything that has aided in completely overturning the old conception of the human being. Crime now

belongs to the domain of mental pathology, represented here by formal anatomical lesions, and there by indisputably morbid functional troubles.

Once more, and to come to a conclusion, let us resort to an example, let us study a case not yet forgotten by the public.

Caillard, who, at the age of twenty-seven, on March 27th, 1898, coolly and carefully assassinated a whole family, the mother, the grandmother, and three children, certainly seems to be the true type of the wicked man "identical with himself," whom M. Tarde holds to be fully responsible.

In the course of the trial the President of the Cour d'assises sums up Caillard's history for us in the following terms: "You were remarkable from your childhood for perverse actions. You hacked young trees, you put stones on the railroad-line to throw the trains off; you passed your nights in marauding and your days in stealing from shop fronts; you were sly and hypocritical; you were considered capable of anything. For years you have roved from factory to factory, leaving the worst records everywhere. At eighteen you were sentenced for theft; and five times since, for the same crime."

Assuredly, no one could be more faithful to evil doing, more identical with himself. Here is in-

deed the malefactor by temperament. But, the same examination now goes on to enlighten us on the genesis of this temperament: "You are the son of a mason who was a drunkard and died in the asylum at Lisieux; your mother had not a good reputation in point of morals; it is certain that you have had a bad education."

The formation of a maleficent mind could not be better described in one sentence. And that is equivalent to saying: the moral personality of Caillard is composed of hereditary tendencies derived from his father's drinking, and the ideas deposited in his young mind day after day by the wretched training he received. As a child he had nothing before his eyes but the drunkenness of his father, the prostitution of his mother, the lowest form of quarrelling, sometimes scenes of violence and blood, and that it was which formed him. He was born impulsive, and these were the images which were deposited in his cerebral cells to tame his impulses.

Nevertheless, M. Tarde holds him to be a responsible, and not a sick, man. The man is very well, and he is not mad, since he was able to feign madness, and that he afterwards gave up that plan of defence. For my part, I have an invincible objection to make this Caillard responsible for

his moral constitution, to impute to him his father's drunkenness (his brain certainly bears some anatomical traces of this) and the abominable examples that represented education to him. I consider him very dangerous and also very unpleasant, revolting, odious. It is by this double feeling of social fear and personal repulsion, and not a spirit of prudence, philosophy, and in a word justice, that I understand his being sentenced to death: a danger and a deformity, a source of irritation to my nervous system still very reflex, very instinctive, very little subjected to reason, will be destroyed with him. The majority of human actions have no other motive.

In *Le Jardin d'Epicure*, M. Anatole France[1] makes some excellent remarks àpropos of this:

"A sustained argumentation on a complex subject will never prove anything except the cleverness of the mind that has conducted it. It must be that men have some suspicion of that great truth, since they never govern themselves by reasoning. They are led by instinct and feeling. They obey their passions, love, hatred, and especially salutary fear. They prefer religions to philosophies, and reason only to justify their evil propensities and their wicked actions to themselves, which is laugh-

[1] *Le Jardin d'Epicure* (Calmann Levy, Paris).

able, but pardonable. . . . Systems of philosophy have succeeded on account of the genius of their authors, without its ever having been possible to recognize in any one of them characteristics of truth which make it prevail over the others. In morals every opinion has been supported, and if several seem to agree, it is because moralists, for the most part, have been careful not to quarrel with the general sentiment and the common instinct. Pure reason, had they listened to nothing else, would have led them by various ways to the most monstrous conclusions, as we see in the case of certain religious sects, in certain heresies whose authors, over-excited by solitude, have despised the unreflecting consent of men. That holy and salutary truth that there exists for man a guide more sure than reason, and that he must hearken to the heart, is to be found at the bottom of every religion."

If Lombroso and his school, if M. Paulhan, and M. Tarde have been mistaken, no doubt it is because they have disregarded this truth, and claim to have reached a solution of the problems of criminality and moral responsibility by means of logic alone. And so they arrive, one and all, at conclusions which cannot be put in practice.

Let us not seek for reasons sufficient to authorize

us to punish the malefactors who disturb our peace and menace our safety, in the realm of ideas, for all our efforts will fail to maintain the principle of moral responsibility: our modern studies in psychology leave not a vestige of that principle remaining.

Justice, such as we still conceive it at the present time, is a sort of religion, destined one day to perish, but strong in the whole of its past, the whole of its routine, and all the most inveterate habits of our mind. Its realm is not that of reflection, but rather that of feeling, which governs so many things in this world. The man who has shown himself malevolent towards society excites our enmity in his turn, and seems to us to deserve it. Whether he be sick or well, free or "determined," he is hateful to us and we detest him, especially if he has injured somebody near to us or touched our own belongings. Let us know and understand how far off is the hour of the supreme serenity that would befit Justice, the hour when, our hearts being freed from narrow egotism and fear, our minds will regard the worst criminals with a sad and gentle pity.

At the present time, if the tribunals and the Cours d'assises were to exhibit clemency, to send a criminal to the hospital as a patient, if they

were to refuse to inflict a punishment, a social vengeance, upon him, the people would not understand; they would take justice into their own hands. Public prosecution, instead of being collective and relatively calm as it now is, would once more become individual, savage, and primitive, the reverse of progress.

It will be the glory of this present time to have divined the future, to have recognized that Free Will does not exist, that there is no moral responsibility, that the criminal belongs to nervous pathology, that he is the result of an unhealthy heredity and a bad education. And it will also be a great error of our epoch to have desired to suppress every vengeful reflex of our minds at this period, to substitute reasoning for natural impulses, as though we were now really civilized!

Assuredly I hold the present mode of judging the acts of an accused person to be antiquated, irrational, and dishonouring to humanity; the hierarchy of the penalties admitted at present is open to much criticism. But neither the method laid down by Lombroso and Baron Garofalo, nor the ideas of M. Paulhan, or even those of M. Tarde, seem preferable to them in practical application. Much research, important books,

weighty discussions, grave polemics which have lasted more than twenty years, have not really taught us to modify Criminal Procedure and the Penal Code with very appreciable advantage. One of the few reforms which have some chance of being actually brought about is the creation—according to the desire of M. Magnan and his pupils—of "mixed houses," half-hospital and half-prison, for criminals who, without being quite insane, are nevertheless suffering from a malady sufficiently formal, sufficiently classified, to enable the jury to admit what it is agreed to call "extenuated responsibility."[1] This half-measure—which more than one reformer in a hurry will regard as very insufficient—would, however, be a great step in advance towards a new era, precisely because the progress of neurology enables us a little better every day to demonstrate the existence

[1] If we were to abide by what I have already said—no criminal appearing to me to be entirely free from intellectual taint—all the condemned would have to be placed in this kind of hospital prison. Practically, we should have to be content with placing there those only of whom we now say that their responsibility is mitigated, whom we can prove to be affected by serious neurosis, or an abasement of the intellectual faculties. It must, however, be freely admitted that the creation of these mixed houses of detention will be costly, and that for a long time to come the overcharged budget will not favour them.

of a malady of the mind where hitherto only free choice of evil was recognized.

We may also obtain that criminal magistrates be specialists, distinct from civil magistrates, because their business is entirely different, the latter being cognizant of facts, the former of men. Might not Presidents of the Cours d'assises be recruited among the Juges d'Instruction, who are occupied all their lives in the study of crime and the problems relating to it; these judges would then study the questions—now so numerous—of criminal anthropology, psychology, and sociology. To their jurisdiction murder and crime should be submitted; a great part of the cases actually despatched—we all know with what frightful rapidity—by the Cour de Police Correctionnelle ought to be sent to the jury of the Cours d'assises, as M. Cruppi has shown in a work which abounds in clear ideas and convincing reasons.[1]

Such a President of Assize, trained in his noble duty, knowing how to speak to the accused, how to obtain the truth from him, and to save him from useless falsehood, would attain to the highest degree of judicial calmness and human dignity. He would have the lucidity, the wisdom to understand that in no fashion can he be a

[1] La Cour d'assises.

"judge," that is to say, to weigh the secret intentions and look into the depths of men's minds; to do that which belongs to a God alone. He would say to himself, in a truly philosophical spirit of humility: "There is nothing to permit me to judge, and I am not qualified to allot punishment. I am here in order to put it out of the power of the wretched being before me to do harm; it is for me to substitute my coolness and my serenity for the revengeful wrath of those whom he has injured, and to prevent them from taking justice into their own hands; I am here, in short, to feign to punish, in order to make this example effective, and that future evil-doers when tempted may know that they expose themselves to the reprisals of society; penal law must be brought to the aid of the depraved or violent man; so that the image of a heavy punishment may be made to counterbalance the image of a guilty pleasure in his mind."

Having thus come to a knowledge of his true position, the assize magistrate, without having lost any part of his prerogatives or his dignity, will have made a great step towards that sort of wisdom of which I have previously spoken, and which consists of coming to an agreement with science and philosophy; for these are always right in the end.

There is nothing very revolutionary in our demand, nothing impossible, nor, so far as I know, repugnant to good sense. I am quite willing to recognize that we are not authorized to disturb the old machinery of criminal procedure to any greater extent. But the following chapters will show us that by our modern ideas of the genesis of crime and the psychology of the criminal, barren until now, an expansive horizon of noble hope for the future is opened out before us.

The Third Part.

PRACTICAL CONSEQUENCES.

CHAPTER VI.

THE REPRESSION OF CRIME.

The sum of the preceding leads us to the conclusion that the domain of criminal anthropology properly so called is being restricted, while that of criminal sociology and psychology in particular is being amplified—Impossibility of a thorough reform of the Criminal Code at present—Organization of a more competent assize jurisdiction—Creation of hospital-prisons for insane criminals or neuropaths of the worst classes—The efficiency of intimidation—The prison of Fresnes-lez-Rungis—The Death Penalty; the opinion of M. Tarde: multiplication of capital executions and mitigation of their methods.

THAT great quarrel, on all sides generous, the momentous dispute upon Crime and the Criminal, which has engaged our attention for more than twenty years, that strife of intellects in which Lombroso, Garofalo, Enrico Ferri, Joly, Adolphe Guillot, Gabriel Tarde, Lacassagne, Alfred Binet,

Dubuisson, and Hamon have made themselves famous, is waged less fiercely of late. The debate is not closed; such wars never come to an end, but it is no longer a confused *mêlée*. Positions have been won and recognized, and there is no doubt as to the ultimate master of the field.

I feel sure that the outcome of the modern acquisition of knowledge concerning the neuron and cerebral function will have substantially aided the decisive movement.

Owing to our modern acquisition of knowledge we have been enabled to strengthen the old philosophical negation of Free Will by strong, tangible, anatomical arguments; we have stripped the words crime, justice, and remorse of their metaphysical jargon, and restored their natural meaning, and we have shown that the defence of the doctrine of moral responsibility and the right of punishment may be abandoned like that of a useless old rampart. The criminal is responsible towards society for the dread and antipathy which he inspires only; he is responsible towards himself through a trick of education only, a delusion, which it is no doubt convenient to keep up for the government of children and peoples, but which no jurist or philosopher ought to be able to impose upon himself.

These are serious losses for the orthodox and conservative party. The advanced party also has sustained some rude assaults.

Not much of the criminal anthropology founded by the Turinese school and the theory of the anatomical type will remain. It is a fact that certain malefactors do present vices of conformation in the skull and face to be recognized on careful examination; but these mean no more than the ordinary physical marks of the degeneration that may, or, as we all know, may not, accompany mental stigmata, perverse tendencies, monstrosity of mind. They are common, not in the least specific lesions.

We have also come to understand that no partial theory, although it almost always contains a little that is true, can embrace the genesis of crime. Do not say that crime proceeds from atavism, from a moral madness, from epilepsy, hysteria, neurasthenia, a bad education, or an original taint; say that each of these causes plays its part in its turn, and that frequently several of them are combined. At this actual moment of human evolution the majority of existing wicked men have inherited from parents —not themselves criminals, but neuropaths or victims of intoxication of some kind—chronic

irritability, an almost constant tendency to paroxysm, singular facility for narrowing the field of their consciousness upon a fixed idea, incapacity of reflection, of comparing their desires and their natural impulses with the images of prudence, wisdom, and experience which might balance them, extreme mobility of emotion, those great oscillations of the mind which are observed in neurasthenic subjects, and that original flaw in their personality which entails action by imitation of others only. Place such people amid perverse surroundings, let them have no sound instruction, but the worst education in every-day life, and you will have nearly all the data of the problem. In almost every case among these unhappy beings, the primordial elements of thought —neurons in direct relation with the outer world, or neurons of association—are anatomically diseased: inherited poison has produced in them irritative lesions of the grey cordex or paralysis of the collaterals. The action of these essential organs has hindrances which microscopic research reveals to us a little more clearly every day, in proportion as its technical processes advance towards perfection. The domain of anthropology, so far as regards the study of the outward conformation of the malefactor, is shrinking, while that of

criminal sociology, and still more that of criminal psychology, is expanding.

And now that our ideas are beginning to be settled, now that we claim to suspend the genesis of human malignity, let us candidly ask, striving to avoid any utopian notions, to what practical consequences, to what evolution of morals, to what effectual progress our doctrines promise to lead us.

We have already been obliged to acknowledge that it would not be possible in our generation to modify our antique methods of repressing crime very considerably. Our modest hope is to obtain the organization of a rather more competent assize jurisdiction—on this point there can be no dissent from the learned and sound conclusions of Cruppi[1] —and the creation of hospital-prisons for madmen and great criminal neuropaths, mixed houses wherein the doctor, in concert with the teacher and the priest, should be called upon to play that moralizing part to which we aspire, and which is in truth incumbent upon us. Since we have adopted a new psychology, the least we can do is to bear the consequences. If we take upon ourselves to include crime in mental pathology, we must not evade the reponsibility of providing

[1] La Cour d'assises.

it with rational therapeutics. At the present time our therapeutics are more than modest, but do, I pray you, agree with us that yours, which has been in action for ages, is not very efficacious, or of shining quality. We may at least dream of something better.

By the very force of things, owing to the deplorable customs which have finally prevailed among us, it really seems that our President d'assises and our Juge de Correctionnelle have become merely distributors of punishment. If they keep in mind the mission they fulfil, their thoughts, at the moment when they are inflicting a few months or a few years of imprisonment on an offender, ought to have a threefold aim: the rendering of an evil-doer harmless; the setting of a wholesome example to persons who might be tempted to imitate him; the trying to do some good to that perverse mind, by affording it long leisure for meditation upon the disadvantages of vice, and the advantages, even terrestrial, of an honest life.

I believe in wholesome example. I think that, when there is deliberation in a tempted mind, even the distant image of punishment may strive victoriously against the image of the prey close at hand. A man on the brink of crime, if his

memory be good and his collaterals free, knows well that the satisfaction to be got out of a theft is very likely indeed to turn to his detriment. For that act of seizure which shall procure for him a big meal and a night's debauchery, he will have to pay by privations more painful than those pleasures are desirable. He is warned to abstain by not very intelligent selfishness, and care for his own welfare not at all generous. And thus it is that the penal system comes to the aid of certain hesitating minds which have not a grave nervous taint.

But the man who is in an abnormal state of irritability or narrowing of the field of consciousness, is, as we have shown, suffering from a paralysis of reflection, from a momentary atrophy of memory, which suppresses all his past, the experience he has acquired, the ideas he has learned, and leaves him unable to see anything but the single object of temptation. What then takes place is, properly speaking, a dream, otherwise the acute life of one particle of the brain, a little group of cells, with deep sleep of the rest of the mind. Then, when the waking comes, when the fixed idea breaks up, when the crime has been committed, the poor wretch is astounded by what he has done. It seems to him that it is the

deed of another; and so in fact it was; there was another personality, all shrunken, without recollection, points of comparison or judgment; but now, entire consciousness which understands what that other has done, has come back. To such diseased minds the idea of punishment is of no account, for they forget it precisely when they have the greatest need of it, and intimidation cannot have any hold except upon intellects which are almost completely coherent and sound.

It is also necessary that intimidation should be adequate and should inspire real fear.

How is a brain in which one of those internal fights for life which we have described, a clash of images in which the stronger destroys the weaker, is taking place, to struggle with the attractive image of spoil and to thrust it back, if the mental image of punishment is not very repulsive? And does it seem likely that the essential object of the old institution can be attained by the perfectly comfortable penitentiaries that have recently been inaugurated at Fresnes-lez-Rungis? Reflect upon the fact that a ruffian, deliberating in his obtuse way, and weighing the for and against of things after his fashion, may very fairly reason as follows: "In the first place, I shall perhaps escape altogether; then, supposing I am caught, and

they put me in prison, I shall not be too ill off! A light cell with shining walls, a good bed, a bright electric lamp, a lot of air, a bell for the warder, wholesome food, good drainage, a pleasant infirmary, these are not exactly the things to make one forget the arch of the bridge where I sleep, or my dog hole on the north slope of the Montmartre 'butte.'" The new prison is a shelter which many might desire; our soldiers' barracks are far less pleasant dwellings; the released criminal may find life harder outside. The General Council of the Seine has been suspected of yielding to a sentiment of vainglory, and a desire to astonish the members of the International Penitentiary Congress to be held in Paris at our approaching Universal Exhibition,[1] and in that supposition there may be some truth. Nevertheless I respect this act of "good will," of republican and also somewhat Christian charity; it belongs no doubt to the 1848 order of thought, but is not devoid of nobility.

Let me recall what Dr. Thuillier said in handing the building over to the central administration,—

"The establishment which you have just inspected is only a prison, but nevertheless the

[1] *L'Âme du Criminel* was published in 1898.

day of its inauguration marks a moral and material progress for whose realization the General Council has striven, through countless difficulties, for more than twenty years.

"Already La Petite Roquette has been replaced by the Monpesson School, where the life-giving *régime* of outdoor work and education is applied to children 'under correction' instead of the brutalizing and demoralizing system of confinement. This work of regeneration and benevolence tames the turbulent spirits of the young culprits.

"The General Council was animated by those same ideas of solidarity, generous pity for the least good among men, and wide humanity towards condemned persons, fallen for a time, when it approached this great enterprise of the reformation of prisons. It is our belief that no man falls so low but that he may rebound from his fall, that every culprit may redeem his faults, even his crimes, by their punishment, and by dint of the energy and perseverance of his will become once more a useful man, capable of living honourably, of living honoured. We repudiate the implacable public vengeance that, until these latter days, has been unjustly declared against the liberated convict, and we no longer forbid hope on the threshold of the prison.

"No doubt that renovation—I was about to say that redemption of the conscience—requires above all things, on the part of the liberated person, the feeling of self-respect, the unalterable conviction that his patient effort will lead to his complete restoration, and that the painful fight before him will enable him to win his place in the face of day and the esteem of honest folk once more. Now, gentlemen, it is our conviction that the place of the convict's punishment and its accessories are not without importance to the sustaining of his moral courage, and that manly resolutions and ideas of well-doing cannot take root in filthy jails. From this belief and our profound compassion for unhappy persons under the stroke of justice arose the desire to house prisoners henceforth in such a way as to admit of their forming and fortifying a sense of self-respect, personal cleanliness, and decent behaviour, which frequently leads to the nobler ideas of repentance, and to moral recovery. Hence these salubrious and almost comfortable prison-cells; hence our desire to render imprisonment as little depressing as possible to body and mind."

I have quoted this discourse at large because it has a certain eloquence. No doubt the politician who spoke thus has not taken time

to instruct himself in the complexities of the problem of the criminal mind. With optimism which is anything rather than philosophical, he speaks of "the less good among men"—as though the remainder of humanity were all perfect in generosity and greatness of mind—of "the temporarily fallen," as though the mental malady which begets crime had no more gravity or duration than a heavy cold caught casually—of "complete restoration," and of "courage and perseverance of will," as though the actual question were not that of wretched brains, in which moral courage—the will itself—is the seat of the malady.

His psychological conception of the delinquent man dates evidently too far back—it is of the second republican period; and yet, M. Thuillier says a wise and true thing when he affirms that enforced bodily cleanliness may reflect on the mind and induce mental cleanliness, weariness of disorder, a certain desire for propriety and for moral conduct.

No doubt the modern prison—the "*fin de siècle* prison," as it was promptly called—will not in itself possess the virtue of ameliorating a really perverse, profoundly tainted mind; but it is something gained that it does not entirely complete its

corruption. Now that La Petite Roquette is pulled down we may say that it would have been an excellent school for the imitation and rehearsal of wickedness, a perfect centre of culture for crime and corruption, something like one of those laboratory stoves which we use to make microbes swarm. The Saint-Lazare prison is still, at this very day, a pretty fair example of these State institutions for the multiplication of vice, and, if one may say so, its fermentation in a sealed jar.

At Fresnes-lez-Rungis, and at Montesson, the man or the child who has been led into crime by weakness of mind, by imitation, will not improve perhaps so much as the President of the General Council hopes; but at least these will not become entirely corrupt; those who are only tainted will not be entirely lost. Dr. Thuillier exaggerates the number of minds which are capable of improvement, and I look for more incurables than he anticipates,[1] but even were there only

[1] I allude here only to adults, whose brain, already formed, becomes modified with difficulty. With regard to children, we may take a more cheerful view; they are infinitely more yielding and capable of improvement, and I am convinced that great harm may be done to them by placing them in a bad "milieu," or, on the other hand, great good, by putting in practice our present knowledge of the hygiene and the therapeutics of the mind.

a few poor weak minds, gone astray for the moment, in the mass, their redemption would be well worth the millions that have been expended. All we doctors of the nervous know how much our patients are improved by isolation in a *maison de santé*, how quickly they mend in many instances, re-creating the cohesion of the mind, pulling together the dispersed personality. Prison must become a house of isolation and a "house of health." And why should there not be added to the staff of administrators and warders—without prejudice to the chaplain, who can do a great deal if he knows how to handle his people—a doctor whom it would be necessary to select among those who know something of psychology, who believe in morality, and have an apostolic vocation.

No, certainly, it is not necessary that prisons should be hideous, unwholesome and dirty; that they should be quite the contrary is for the good of society; and besides, it is not the want of hygienic conditions that the offender dreads at the moment when he is tempted to ill-doing. That which will curb, that which will "inhibit" his criminal impulse, is certainly not the mental representation of a cubic measure of air less than that which is recommended by treatises on health; but he will

be forcibly struck by the idea of losing his liberty, of being shut up for a long time. Now the prison of Fresnes, like every other prison, gives that idea, and it is the only one necessary.

On the whole, then, I consider this modern mode of lodgment for prisoners progressive, and I should have voted the funds for it had I been a member of the General Council of the Department of the Seine. It is, I feel sure, one of the two fortunate innovations in penal matters which will be placed to the credit account of our third Republic. The other is that admirable "Berenger" law which inflicts a penalty and holds it over, granting momentary grace to the man if he has erred by being led into evil, without being fundamentally wicked himself, and if he has done ill through a casual, quite accidental impulse of his mind. On the other hand, as justice dictates, the wicked man, inclined to harmful deeds only, the "récidiviste" is subjected to the severest punishment. Of course, I do not hold the latter to be more free or more responsible than the former, but the malignity of his nature constitutes so complete a whole that antipathy dominates us, and severity with respect to him becomes legitimate.

But, it will be asked, how do you propose to

treat those horribly cruel, manifestly incurable, mercilessly ferocious beings, who are murderers by temperament, so utterly pitiless that it is impossible to feel pity for their fate? Do the scientific ideas, in whose name you speak, lead you to compassionate such wild beasts as these? or does your philosophy authorize you to rid the world of them? Are you in favour of capital punishment?

The question is difficult, and I think politics have strongly contributed to alter its primitive simplicity. For a long time it has divided men's minds into two camps; on one side are reactionists, all advocates of the death penalty; on the other are humanitarians, good republicans who hold it a point of honour to be abolitionists. President Grévy thought it right to commute every death sentence. As this attitude procured for him what we call "a bad press," his successor considered that he ought to adopt its opposite. The present head of the State[1] preserves a prudent medium. Not one of the three acts from the inspiration of a doctrine; in so eminent a position the most firm of philosophers would bow to public opinion.

In this respect, as in others, savants and criminologists are far from agreement. The

[1] M. Felix Faure.

Italian school, always and everywhere radical, regards the death penalty as a remnant of barbarism; the French school, that of Lacassagne, Adolphe Guillot, Gabriel Tarde, and their followers hold it, on the contrary, to be a social necessity, an indispensable means of intimidation.

At the close of his *Philosophie pénale*[1] M. Tarde writes:—

"After all, in the matter of penal measures, we have but the choice between these two equally efficacious modes of repression; to put to death without causing suffering, or to cause suffering without putting to death." Now we are entitled to think that it is at least as humane to deprive these wild beasts of life, without warning, in a sudden, unexpected manner, of which they are hardly or not at all conscious, as to keep them in perpetual penal servitude. Tarde, indeed, arrives at last at the idea that the death penalty must be made more humane in order to extend it; that the present mode of execution is odious, and that we shall soon adopt the rapid and sure method of electrocution, the invisible destruction of the culprit in his cell without his own consciousness. And he adds in an eloquent passage: "It seems

[1] G. Tarde. *Philosophie pénale*, page 533, and following (Storck & Masson).

to me that were this progress, small though it be in appearance, but once realized, the greatest objection to the death penalty, that is to say the repugnance it inspires, would vanish. No corpse hung on a gallows, no severed, bleeding neck and head with gaping arteries, no savage and almost sacrilegious mutilation of the human form. There is a degree of profanation of men's bodies, even without the infliction of pain, which is intolerable and invincibly repellent to the nervous system of the civilized public, and the guillotine most certainly goes beyond that point. Nothing can be more barbarous than this bloody mode of execution; and could it be proved to be painless, beheading after that fashion would still remain the most violent and brutal of operations, a horrible sort of human vivisection. This is a sentimental and æsthetic consideration, if you will, or, to describe it better, perhaps religious, but it is a consideration of the first order. The general movement for the abolition of capital punishment, even in times near our own,[1] is due especially, in my belief,

[1] I believe, with M. Tarde, that the actual number of abolitionists is much smaller than formerly. There was a period during which all liberal minds held it of obligation to demand the suppression of capital executions; at present I know philosophers, savants, not afraid of new ideas,

to its mode of execution, and if the actual reaction in its favour is of a hesitating kind, being held back by some internal opposition which has its source in feeling, that effect must be attributed to the same cause."

What M. Tarde says seems to me convincing. Hardly any man can witness an execution without feeling extreme horror, and infinite pity for the human being dragged to that butchery, and also loathing for the executioner. At that moment everybody would sign a petition for pardon, every one would tear off his bonds and give back his life to the wretched human creature, only to see that face of utter despair, of absolute terror, that thing of hell, light up once more with hope! The drama is odious, and invincibly repugnant to us. But an hour afterwards we should regret the act of nervous compassion and relief to which we had been prompted at that dreadful moment. In spite of those ill-interpreted statistics which have so often been placed before us,[1] it is certain that the death penalty furnishes one of our most powerful means of intimidation. The terror it

who refuse to consider the suppression of what has been called "legal assassination" a progressive measure.

[1] See the analysis of these statistics and of their interpretations by Tarde, *Philosophie pénale*, ch. ix., page 543, and following.

inspires has made many a ruffian, not to be daunted by the image of imprisonment and the *travaux forcés*, hesitate and recoil from the risk of it.[1] And do we not frequently find young assassins more bold and deliberate in their crimes because they have been told that their very youth would save them from the scaffold. Nor can it be denied that the crimes committed in these latter years in the name of anarchy ceased suddenly from the day on which it was decided that certain heads—one or two of those, however, did not inspire repulsion merely—were to fall.

In fact, then, the institution of capital punishment is not useless. Will it be objected that to desire the application of it is un-Christian? But although the Christian idea was very mild in the beginning, the ecclesiastical tribunals became typically pitiless ere long.

Will it be said that the scientific conception of the world leads up to a Religion of Humanity so

[1] It is remarkable that tenderness and kindness are habitually the qualities of the weak, the oppressed, and the poor. Men are on the contrary pitiless when they do not need pity for themselvea. Dominion, power, the possession of strength, make men hard-hearted, unless they can remember a past of poverty when charity was sweet to them. So, a man who was known to be generous so long as he was poor, becomes avaricious so soon as he is rich.

fervent that it cannot admit the "suppression" of the most inhuman of its members? But, on the contrary, study of the laws of Nature teaches us the utmost placidity on that point, by showing us with what sovereign indifference the great Pan, being solely solicitous for the life of the whole, sacrifices the individuals who might harm it.

There remains then this idea which we have adopted, that the worst murderer is only, in actual fact, a sick man, and that, even when we find him naturally, originally wicked, and very identical with himself, we cannot make him responsible for the temperament and the bad examples which he has inherited. Shall we then admit that this sick man may be killed, that he may be given the legendary "eleven o'clock broth," which the hospital doctors were accused of administering to patients of whom they desired to be rid? Well then, yes, if it be clearly proved that the man is an incurable, and that his life is of no use or good to anybody, not even to himself. An act of pity, an act of clemency is not truly desirable, except in so far as it is to somebody's advantage. Now, what has society to gain by keeping a number of incurable miscreants for an indefinite time, at a large cost, at

the galleys and in prisons, where they render no services, and lead the least enviable, lowest, and most wretched of lives? Yet such is the precious boon which we think it humane to preserve to them! Can you picture to yourselves the daily existence of a Vacher in his perpetual imprisonment? If we were stronger-minded, can we doubt that we should regard it as more wise, more logical, and, after all, less cruel, once for all to fit an electrocution machine to the convict's bed, and destroy him without his own knowledge, at night, in his sleep?

It may be—as Tarde thinks it will be—that the punishment of death,—the word punishment renders the thought badly—death inflicted as the suppression of a harmful, antipathetic, useless being, and, on the other hand, as a scarecrow for *mauvais sujets* will, before long, have extended action. When it has been made less repulsive will not all its utility become apparent to the probably utilitarian minds of our descendants? In the future it may become the normal end, not only of almost all assassins, but also of a great number of *récidivistes* of every kind, murderous or otherwise, convicted of incurability. Being much more frequent, and much less theatrical, it will be all the more exemplary, and

at the same time less tempting to vitiated imaginations by reason of its obscurity, and the absence of *mise en scène.*

But how is it possible not to hesitate, not to despair of the meagreness of our means, when we see whither these deductions, which are logical, nevertheless, are leading us?

Let us hear M. Adolphe Guillot, a Christian philosopher, who says to us:—

"And the poor soul, the poor immortal soul of the wretched being, what do you do with it? By depriving it of the last confession, by sending it into eternity unprepared, without time for final repentance, do you not condemn it to eternal perdition?" This is a question which I am not entitled to treat as null and void, minds being divided concerning belief in the future life, and no one being sufficiently sure of the truth of his own doctrine to pledge any other than himself.

Let us also consider the following:—We have adopted the idea that criminals are only sick persons, incurable and dangerous, of whom we must get rid. But when all is said only a narrow space divides them from incurable lunatics, violent maniacs, or pitiable idiots, all poor degraded beings, human creatures for ever

useless, grievous to behold, for whom life has neither worth nor pleasure in their own persons or those of others. If we decide, for æsthetic and economical reasons merely, upon suppressing some hundreds of irresponsible but irremediably bad men, why then, after all, should we not be led on to procure merciful repose for those other irresponsible beings for whom we must always desire cessation of life?

Here I am bordering on paradox, and I am accustomed to take things too religiously to linger long near that; besides, I make the due distinction, and I know that death, exemplary for malefactors, will not prevent anybody from going mad; I also know that in the present state of our sensibilities the mad irritate us less than the depraved. Yet many great minds, deeply troubled by the horror of such degradation of human dignity, have longed that the cure of incurable madness by death might be authorized. Each of us would unhesitatingly prefer extinction to the final humiliation of general paralysis.

When Maupassant's brilliant intellect suffered eclipse, when the journalists were informed that his brain, once full of lucid and vigorous genius, no longer conceived anything but abject folly, that

the actions of this prince of letters were no longer human, M. Maurice Barrés lamented, in loftily eloquent and sorrowful articles, that it was not permissible to put an end, by violent death, to such shocking and cruelly lingering degradation. I maintained the opposite thesis, and, relating a little drama, which it had been my lot to witness, I took the line of affirming that man cannot arrogate to himself the right to kill his fellow, on account of any incurable ill, any irreparable disfigurement, because no one can know how much of the instinctive enjoyment of life may linger in a heart, even were it unconscious.

I am not very sure that I hold the same opinion still. We condemn those Spartans who practised the legal, administrative drowning of deformed children, deficient in either body or mind, in batches in their river Eurotas. And yet, one day at Bicêtre, when I was accompanying Dr. Bourneville on his rounds, among that crowd of imperfectible, absolutely incurable little beings without a name, I fervently longed for their immediate destruction.

Think of them, planted down on a balcony with a grated iron floor, above a trench which receives their excreta, uniformly clothed in woollen

grey frocks and list shoes, always soiled: there they are, children of alcohol and degeneration, shapeless abortions, with deformed skulls too thick and too tightly closed, narrow eyes, ill-attached ears, an inattentive look, never resting upon anything, a flabby neck hardly supporting a wagging head! From time to time one of these terrible objects opens a mouth like a bird's membranous beak, and utters a howl like a wild beast's, a cry of senseless rage—while a caretaker, young, resigned, and patient, goes from one to the other, cleaning faces here with a handkerchief, bodies there with a cloth, tying such a one, who wanted to strike or bite, to the bars, and giving food, which was voraciously, hideously devoured, to all. She speaks to them, but those embryo brains do not understand. Vain the words, for ever useless the labour, for their condition is unalterable; never will a ray of intelligence come to them, never a particle of mind. They will grow up thus, more brute-like than beasts, without a word, without an idea, without a feeling. They will make no progress. Ten years hence they will be just the same, unless some beneficent illness shall carry them off.

Nevertheless, they are cared for, they are reared in a cage, they are preserved from death. Why? for God's sake, why? Is it really humane to

leave these monsters, these beings of darkness, these nightmare creatures alive? Do you not think, on the contrary, that it would be more pious to destroy this ugliness and unconsciousness, which even suffering does not dignify? I foresee legal, authorized suppression for all these incurables, death the liberator, without any suffering, almost the consoler, a gentle death, hardly sad, destroying useless ugliness, contracting the field of vain horror and purposeless misery.

On searching the depths of my mind concerning the treatment to be inflicted upon them, I do not make any great difference between the idiots of Bicêtre and the madmen who burn, pillage, kill or violate. It is quite possible that our successors upon the earth may decree for all these sorts of men—who shall be recognized as incurable by a competent tribunal, after medical examination—a prompt and easy death. Their death should be published, in order that it may serve the purpose of intimidation, but effected without anger, not in the name of an imaginary justice, but rather in the name of an æsthetic conviction, a sort of natural and serene elimination of an evil without any possible remedy. It is, I believe, to that philosophical conception of punishment that we

shall tend, and not to the abolition of the death penalty.

If I were asked to sum up in a few lines what appears to me probable evolution in the matter of the repression of crime, I should enumerate the few reforms that follow :—

1. Specialization of the criminal magistrate, selected from among the *juges d'instruction*, and raised, as in England, to a high dignity.

2. Reorganization of the Assize Court according to the plan of M. Cruppi.

3. The admission of medico-legal expert practice, psychological study of accused persons and of the genesis of their crimes to be made more frequent.

4. The creation of hospital-prisons for insane criminals or great neuropaths.

5. The widest possible application of the Berenger law or of the modern prisons system to delinquents who seem capable of amelioration, and to criminals by accident ; on the other hand, increased severity towards *récidivistes* and criminals by temperament.

6. Capital punishment to be made more frequent and less terrible.

I am well aware that on the whole these are only very poor measures of reform, very feeble steps in the path of progress. Our present means

of repression and intimidation fail to repress, and intimidate but slightly. The means that we propose will doubtless be a little less empirical and perhaps a little more efficient. There is, however, no room for great pride in them, and as you may easily suppose, it is not of those reforms I meant to speak when I said that our modern conceptions of the genesis of crime and the psychology of the criminal are about to open out a wide horizon of hope for us.

CHAPTER VII.

THE PROPHYLAXIS OF EVIL.

How humanity preserves itself from infectious diseases—Scientific study of the conditions of the production of evil alone can lead to a preservative hygiene and to a rational prophylaxis—How a struggle may be made: firstly, against heredity: by decreasing infectious maladies likely to produce irritation of the cerebral surface or rupture of the fibres of association; by fighting against tuberculosis, syphilis, and, above all, against alcoholism; secondly, against bad example—The utility of instruction; the pause of a reflex is the beginning of wisdom; the necessary passage from force to ruse—Religious education—Institutions for the preservation and the rescue of children: these have already done much for the prophylaxis of evil—But it is not enough to snatch these young brains from bad examples, they must also be cared for; hence it is necessary to create dispensaries for nervous children—Treatment of narrowing of the field of consciousness; treatment of emotional oscillation—A colonial army of "*mauvais sujets*"—Conclusion: on the whole, the negation of Free Will and moral responsibility leads us, not to the suppression of all social preservation, but, on the contrary, to a much more complex, much less cruel, and much more efficacious organization of our means of defence against malefactors; it leads no longer so much to blind repression as to preservation—Morality is the necessary outcome of scientific truth.

AMONG all the scourges that decimate the human race there is none known more cruel than

tuberculosis. That disease alone kills one-fifth of those who die. In Paris its victims are a thousand per month. No war, no plague has made so many tears to flow or tears so bitter; for it is the devastating malady of youth. We know not any antidote to that terrible poison, the antitoxin of the tuberculous toxin is not yet found; it is generally agreed that long years of patient research will be required for its discovery. No doubt rest, the air cure, a good alimentary régime and moderately tonic treatment by medicine lend powerful aid to the organism in its work of resistance; but so soon as morbid evolution has gone beyond certain bounds, medicine is disarmed. And yet we can do much against the invasion of the human territory by the bacillus. Hygienic preservation, prophylaxis, gives man all the means that he requires for putting himself out of reach of the enemy, for preserving himself from that rust which fastens on our species. On the day when we shall seriously will it to be so, on the day when we shall have attained the full consciousness of the intensity of the disaster and the real potency of our means of defence, we shall force the danger to retreat step by step, and tuberculosis will very rapidly cease to exist.

Already, thanks to elementary precautions,

typhoid tends clearly to disappear, and it is the same in the case of eruptive fevers. I regard this as an instructive fact for the consideration of criminologists.

From the solely practical point of view a parallel may be drawn between crime and phthisical disease. In both our present curative methods are for the most part mediocre, our therapeutics feeble, but hope lies in preservation. No doubt it is infinitely easier to screen one's self from a microbe whose conditions of propagation are known, than to hinder the hatching of so complex a phenomenon as ill-doing. No doubt it is something gained to keep the harmful man under lock and key, to intimidate his fellows, to substitute the relative serenity of the judge for the wrath of the unfortunate individual who has suffered by him in his person, his affections, his property. But humanity has stayed just at that point for a very long time. There is no great merit in intervening when the ill-deed is an accomplished fact! The point of interest is to know whether it might not have been prevented. Can we, or can we not, within certain limits, restrain the coming into the world of beings naturally inclined to malignity, or, these evil creatures being born, can we do something to

hinder them from becoming actively noxious, or is this the most baseless of visions? Such is the problem which we are about to look in the face, trying to acquire clear ideas of it, by showing the balance-sheet of the forces we have at our disposal for the organization of that prophylaxis, that social hygiene, that preventive treatment which is infinitely more desirable than curative treatment.[1]

And now, the notions of the conditions of the production of evil, the "pathogeny" of crime, are about to do us service, no longer remaining merely platonic. Let us approach practical ground. Science has been too much reproached with never offering anything but negations, with procuring for us illusory material welfare only, and being powerless to lessen the suffering and the uncomeliness of life. Like Descartes, I believe firmly that if it is possible to find some means of rendering mankind in common better and more capable than they yet have been, it must be sought for in medicine.[2]

[1] Assuredly the system of medicine that shall take people in hand before they are formally "sick," at the moment when illness begins to threaten, has a future. Day by day we are becoming more skilled in hygiene, at the same time that we are restricting the use of innumerable empirical and often useless drugs, though not yet to the desired extent

[2] Descartes, *Discours de la Méthode*, vii.

It is true that as physiologist and psychologist I hold pure scientific curiosity, the thirst for knowing, the simply speculative need of understanding, to be a great thing in itself, and I believe that love of the true, in itself satisfying, is right in showing itself very disdainful of consequences. But the complementary tendency may surely be admitted also. Reared as a physician in the faith of therapeutics,[1] and a believer from experience in the efficaciousness of hygiene, I feel the necessity of following up pathology by treatment, putting a *morale* on top of philosophy, of trying to do good. This is, I know, a tendency much disdained by some minds of high intelligence, who[2]

[1] *Note by the Publisher.*—The author's father, Professor Armand de Fleury, was Professor of Therapeutics to the Faculty of Medicine of Bordeaux. His works upon this subject are highly esteemed.

[2] One of our best of these accosted me one day, while we cordially shook hands, with the following ironical words: "Well, my dear doctor, are you still curing all the ills, moral and physical, from which we suffer in this world?" By this he evidently meant that to his mind it is puerile to pretend to modify anything whatsoever of the laws of nature. I replied simply, that in the first place I anticipated very modest cures only, and in the second that his fine scorn of my acts of faith could only proceed from a difference in our temperaments. This contemplative, this complete dilettante, this distinguished epicurean, could not bear that I should be a man of action; it actually almost irritated him, calm as he was, and placed on the height

do not admit that feeble human resources can change by an *iota* the laws of nature, the conditions of existence, the goodness or the malignity of a brain. But I hold that the greatness of man exists precisely in his incredible, unwearied ingeniousness in detecting the mechanism of the universe, in tracing out the intricate evolution of a thought, in measuring the field of the stars. And not only does his intelligence penetrate to the depths of the "how" of things, but it learns to play with them, for his pleasure or his use, and to pull the strings of that gigantic puppet the World. For a long time past, man, that insect crawling on his heap of mud, and so tiny amid the immensity of the stars, has been lessening the ugliness and the suffering of human life. Oh! how incessant is his striving to become divine!

of his immense learning and his extensive meditation, so that he can understand everything. An active mind engaged in the study of disease necessarily desires to attempt to remedy it. The work to which M. X. alluded, contains four chapters devoted to the study and the treatment of sloth, melancholy, the tender passion, and anger, and it concludes with the hope of being able "to help slow humanity in its imperceptible and yet perpetual evolution towards that minimum of pain, deformity, and disorder towards which the universe appears to tend." [*Translator's Note.*—The book in question is *Medicine and the Mind* (Downey & Co.)]

The immensity of the task still to be accomplished ought not to blind us to what has been done up to this time.

We are entitled to affirm that in almost every instance where we shall have come at the conditions of a phenomenon, physical, biological, or social, we shall be able to turn that knowledge to practical account. A doctor, of the reflective order of mind, observed to me recently: "What is surprising is not that we are so powerless to fight disease as we are said to be, but that we are so powerful." And it is the fact that we now master diphtheria, septic poison, puerperal fever, intermittent fever, syphilis, rabies; that we prevent the approach of leprosy, cholera, and plague, those scourges of humanity; that typhoid, small-pox, the eruptive fevers which used to kill so many children become less frequent day by day; to-morrow it will be the turn of tuberculosis to be driven away from us. The discoveries of the Pasteur school, revealing to us a whole world of "infinitely little" objects, noxious or capable of utilization,[1] will bring about changes in our

[1] The ferments of beer, cheese, alcohol, &c., which we utilize, may be regarded as the equivalent of our domestic animals, subjected to the service of man. A school of the "industries of fermentations" is about to be founded at the

manners (*mœurs*) equivalent to those through which humanity passed when men bethought them of sheltering themselves from the wild beasts, of tracing out paths through the forests, and constructing dwelling-places. Our Europe, wherein no tigers or white bears have been found for a very long time, will deliver herself also from the microbes which devour her. Think of the work that has been done within so short a period of time! [1]

Now, we have just learned how a man becomes criminal. We know how respect for the life and the property of others arose among mankind, and we know through what a conflict of hereditary, personal and social circumstances he comes to forget that necessary notion. A clearer knowledge of the data of the problem can but lead us to its solution. Scientific truth, like every other truth, draws us towards morality. Orthodox moralists never weary of reproaching us with the utter immorality of our doctrines, so meanly utilitarian, so completely stripped of the ideal. The negation

Pasteur Institute by M. Duclasse. Dr. Albert Calmette has recently found and utilized a new ferment, which will cause a considerable evolution of the industry of alcohols.

[1] The first discoveries of Pasteur and of Devaine—the dawning idea of microbe "pathogeny"—dates from 1852.

of Free Will especially angers them. They hold, indeed we might say that they hope, so ardently do they argue, that all men who abide by that baneful doctrine of irresponsibility will no longer hesitate to do wrong, but yield to their impulses to homicide or spoliation. How many volumes have been devoted to the impressing and defending of that idea!

Now, we see more plainly every day that if anything has been able to retard the evolution of our civilization towards better things, and to prevent the sound organization of a prophylaxis of evil, it is most assuredly that blind and obstinate belief in the doctrine of free choice. The Church, better advised, and knowing the human heart thoroughly, teaches us that without grace we cannot do right, and that we must merit grace; and, so saying, she does not neglect to impress the adverse images of endless happiness and eternal punishment, so as to help us to keep in the right paths. But the spiritualist pushes the rigour of doctrine much farther.[1] If, as that school holds, the soul

[1] No doubt this distinction between the Church and the school of spiritualist philosophers which takes so much after it will be regarded as a very fine one. Nevertheless, the orthodox dialecticians, the theorists of dogma, who are so little particular in the choice of their arguments, and sometimes so

is immortal and free, if it possesses the power of forming decisions, deciding independently of motives and of interest, if it can free itself from the trammels of the human organs in which it is incarnate, if everywhere and always it depends upon itself only to choose between the good and the evil way, there is no great need to take the trouble of endeavouring to render it better and to make a higher destiny for it. One cannot well understand what purpose is served by education. In fact, belief in Free Will has led, as was inevitable, to merely marking time. For centuries you go on immutably teaching men that they have but to will in order to be able to do, and that, logically, eternal hell fire will punish them if they are wicked. That was all very well for children or for peoples in their youth. But

ready to misstate facts in the interests of their cause, true sceptics, as Renan called them, must not be confounded with the priests of the Catholic religion, with those practitioners of the creed whom we so frequently find filled with ardent zeal for the good of humanity, of living faith, profound love of their kind, and liberal tolerance. Here I am discussing only the former, only those who philosophize, enter into discussion, make use of reasoning, invoke science to prop up their faith, and thus expose themselves to replies so much the sharper because their argumentation is belated amid data which our actual knowledge renders it impossible to defend in good faith, under pretext of saving society.

according as intelligence ripened, men became incredulous of this device to restrain them, and the conception of hell assumed a puerile aspect to their minds. That such is the case is not our fault. If the religious idea has deserted the masses, if some modern governments have come to regard it as an enemy, it is, in the first place, because that idea has remained too simple, is better adapted to the imaginations of the fourteenth century than to those of the present day, and secondly, it must be said, because our Church offended the mass of minds to whom liberty is dear by an abuse of the love of executive power and temporal administration. She was more anxious to rule than to act as a moralizing power. Thus, giving heed before all to faults against faith, and sins of pride and libertinism, she did much less than she might have done for the decreasing of crime against life or property. It is therefore not surprising that the Ages of Faith were the least careful of human life ?

Devout faith in Free Will is not then a solitary rampart, an impregnable fortress which must be held at any cost: it is no longer anything but a frail and too evidently dismantled defence.

Let us now examine without prejudice the system of preservation, more vast, more complex,

better adapted, and, as I believe, more promising, which we desire to substitute. We shall make it plain, I hope, that our adversaries have not the exclusive monopoly of love of order and care for that peace on earth which was promised to men of goodwill. We, also, mean that the well-behaved and the industrious may do their work in safety, without having to tremble for the money they earn or the lives of those whom they love. But, not content with repressing committed evil, we cherish the more charitable or, if you will, more Christian ambition to destroy it in the egg, and so prevent it from being hatched.

Let us proceed simply by passing in review the series of the modalities of the genesis of the phenomenon crime, and let us try to confront each of these with an efficacious remedy.

THE STRUGGLE AGAINST HEREDITY.—We have seen that the evildoer frequently comes into the world, not indeed with that fatal mark and inexorable predestination which Lombroso saw in his born-criminal, but simply tainted by evil tendencies, and possessed, through his forefathers, of an abnormal nervous system, inclined to fits of irritability or to fixed idea, to a natural, impulsive, almost automatic need of seizing upon any

object of his desire, or of repelling the adverse thing, or the man who presents an obstacle, with blind violence. Brains of this kind work as though they had not received and stored any notion of wisdom, of *prud'homie*, as our forefathers said; and that from a cause whose anatomical *raison d'être* we often discover, and with whose functional mechanism we are acquainted in every case. They are sufferers from a disease of the cerebral cell and its prolongations, so that association no longer exists, memory does not intervene, reflex only subsists. The minute autopsy of the skull reveals that the child was born with thick meninges which irritate the cerebral surface, or even with slighter lesions, which hinder or cut the communication between one group of cells and the other.

The conclusive experiments of M. C. Féré, the physician of Bicêtre, show very clearly what is the part played by intoxication of every kind in the genesis of these microscopic lesions, and of larger lesions, facial and cranial malformations, which are called stigmata of degeneration. Besides, the attentive study of hereditary antecedents among habitual prisoners rarely fails to reveal poison in their direct ancestry, one of those infections by microbe which may impregnate

more than one generation; syphilis, alcoholism, absinthism, tuberculosis; or else it is the mother who was stricken with an eruptive fever, pneumonia, &c., during pregnancy.

Thus we are convinced that the reduction of infectious diseases by hygienic treatment merely will lead not only to a diminution of mortality, but to a diminution of human wickedness, or, if you prefer it, of human irritability. As for the fight with alcoholism, nobody at the present time doubts that we ought to regard that as a sacred duty. In an amusing article in *Le Journal des Débats*, published, I think, in 1884, Ernest Renan jests at the zeal of the temperance societies as follows:—"They rest," he says, "upon excellent intentions, but on a misunderstanding. Instead of suppressing drunkenness in the case of those who have need of it, would it not be better to try to make it gentle, amiable, and attended by moral sentiments? . . . There are so many men who are at their best when they are drunk!" It is true that a certain slight kind of intoxication is necessary to healthy excitement, to the joy of the human brain. But I hold that we shall be barbarians so long as we shall demand this *sursum corda* solely from the things which are poison to the nervous system. Concerning

cheerfulness, that happy and generous state of mind which is frequently procured for depressed and melancholy patients by an injection of salt water or artificial serum, I have already written the following, and I still believe my words to be absolutely true: [1] "How many men are there, who, upon this old earth which thinks itself very civilized, and is still in a state of savagery with regard to the processes to which it resorts for the procuring oblivion, will, in order to attain the same result, to reach the pitch of excitement that constitutes joy, that lofty eminence from whence the vale of tears is no longer visible, poison themselves with alcohol, ether, or morphia! These artificial heavens, as Baudelaire calls them, with their morrows of shame and exhaustion, these poisons which enslave and finally kill us, these false friends which procure forgetfulness for us only by leading us to debasement or to madness, are not a righteous means of giving pleasure to those wounded minds who have fallen into the depths of chronic wretchedness endured by hereditary neuropaths and the victims of great exhaustion of the nervous system. It must be made known to mankind that good spirits and

[1] *Introduction à la Médecine de l'Esprit*, ch. vii., "La Tristesse et son traitement," p. 303. (Alcan, Paris.)

hopefulness may be obtained by a legitimate process without recourse to deceptive and dangerous drugs, by resorting to the natural sources of human strength, by the purely mechanical stimulation of our sensitive nerves. I have said elsewhere,[1] and I have sufficiently proved, I think, that sensibility is the mother of our strength: let us seek it everywhere that it exists, so that we may give it a new education, a culture of the Ego, as M. Barrès would say; doctors and physiologists would say methodical stimulation. Carefully and without overdoing things, and with some technical tact, to avoid sudden sensations, let your acoustic nerves have music, your eyes beautiful sights, your skin friction with the hair-glove, your lungs oxygen, ozone, fresh air; give serum to the current of your blood,[2] a dietary to your stomach, to increase your strength and

[1] *Introduction à la Médecine de l'Esprit, voir, La fatigue et la force humaine.*

[2] This simple, rapid, and sure method of stimulating the organism, accelerating nutrition, and recruiting physical and moral energy was introduced into therapeutics by the late Dr. Jules Chéron (see his *Introduction à l'étude des lois de l'hypodermie*). It is well to observe that the artificial serum, which has a purely mechanical action, may enervate and intoxicate like wine, if it be employed in doses out of proportion to the resistance of the patient. (See *Medicine and the Mind.*)

diminish your habitual melancholy in proportion. Thus may Renan's dream of a slight sort of æsthetic and moral drunkenness be realized.

Then, by every means of propaganda in our power, newspaper articles, popular lectures with impressive illustrations, striking pictures hung on schoolroom walls, lessons given and repeated over and over again to adults and to children, let us make incessant war upon alcoholism, intemperance, yes, every sort of intemperance. We know beyond dispute that in countries like France, Italy and Belgium, the progressive curve of crime and that of madness regularly follow the ascending curve of the consumption of alcohol. In Norway, where defence against alcoholism has been strongly and rigorously organized, criminality has immediately declined. These statistics are now confined to the direct action of the ethylic poison upon the brain of the man who drinks to excess; how would it be if they informed us of its secondary action upon his descendants? We shall have cause to pride ourselves upon a glorious victory in the day when our Government shall cease to employ the wine-seller as its great electoral agent, shall dare to assail his omnipotence, to limit the number of wine-shops and increase the tax on alcohol, on

spirituous liquor of every kind, on *aperitifs*, in short, upon everything that is not table wine, the wholesome wine of current consumption. I believe, even more than in the intervention of the State, in the powerful action of temperance societies formed by private enterprise, whose ardour in the cause will always be more eloquent and persuasive than the inevitable perfunctoriness of an official of the administration. Let us utilize every force for the hastening on and accomplishment of the object of this great crusade. Let us give equality in the matter of health to the unfortunate, in default of other equality; let us teach him to dread poisons and seek other sources of courage and pleasure.

The direct heredity of evil inclinations must also be opposed. Plato held that crime may perpetuate itself in the same family during several generations: "When the grandfather and the great-grandfather of a child shall have been condemned to the penalty of death," he says, "the State ought to banish that child, for fear that he himself may become criminal." Without being so severe, and, as we should say at the present time, so radical, as the great philosopher, I do think, nevertheless, that the child may share the moral condition of his father, not only by imita-

tion but by heredity. How very far removed from the apprehension of that truth were those "administrators-penitentiary" of New Caledonia, who took upon themselves, in their zeal for morality, to have the convicts under the common law married, before the mayor and the curé, to the "*petroleuses*" of the Commune. The offspring of these idyllic unions, numbering some dozens, were beings of unimaginable ferocity and malignity. A litter of tiger cubs, a brood of young serpents had been carefully bred. In a certain American State, scientific conviction on the subject of heredity in crime has been pushed to the extent of a legal and solemn deprivation of their means of perpetuating their species in the case of convicts under sentence for serious crimes. Between the American and the New Caledonian methods, Europe may readily find a middle course of action.

You will surely admit that our demands have not hitherto been excessive or utopian. We know, by experience, what the fight against alcoholism has done for us, and man begins to understand that he has formidable enemies in artificial excitants and poisons. We have, therefore, a great chance of partially stifling the evil in the egg-stage by applying ourselves, as we said just

now, to modifying the conditions in which we know that irritable, impulsive, violent, and feeble brains are most likely to be born into the world.

INSTRUCTION AND EDUCATION.—Victor Hugo was fond of saying, "To open a school is to close a prison." In an hour of optimism M. Alfred Fouillée affirmed that "the more schools there are the fewer prisons there will be: the greater the progress of science the more it recognizes that the criminal is frequently a mad, frequently an ignorant person." Since then the same philosopher has become somewhat less hopeful, and he has candidly acknowledged that primary instruction and scientific instruction, more and more widely diffused, have not raised the moral level at all. Very numerous statistical returns establish the fact that in those departments of France where there is the largest number of illiterate persons crime is least frequent. And so we find many minds tending to return to the old idea of Montaigne that "l'affinement des esprits n'en est pas l'assagissement."

Now let us understand this. It is a law of physiology, as true as the most accurate statistics, that an impulsive force traverses the desert brain

of an ignorant person without let or hindrance, to pass from the centripetal to centrifugal state, from sensation to action. The man of high culture and great learning is, as we may observe any day, slow to determine; how he pauses, how he waits to weigh the for and against of things, how slow he is to take sides, how cautious and sober in his actions. Let us then be careful not to say rashly that obligatory instruction has been a social ill. In the first place it was necessary: it was an inevitable step in human evolution: what government, then, would have dared to delay it longer? Let us also ascertain more clearly what has happened. Remember that very partial primary instruction only is in question, and in that case, as in every other, if the strong dose be soothing, the small dose is exciting. Remember also that this primary instruction is perhaps not exactly what it ought to be, in the sense that—instead of teaching men practical and honest means of getting on in life—it puts into their heads things fit only to inspire them with overgrown ambition and disproportionate pretensions, and especially with a desire to quit country places and to emigrate to big towns.

Consider also the highly important fact that,

although the total amount of criminality does not seem to have been lessened by the spread of instruction, sanguinary crime is decreasing, while theft and crimes of cunning are on the increase. Violence diminishes, knavery grows. But is not this the law of evolution which rules our world? I have already said at the beginning of this work that Lacassagne, Bertillon, Guillot, Bournet, Faucher, and Lombroso himself, who differ in opinion upon a thousand questions of penal philosophy, agree in admitting that instruction cannot but make men more knavish, more skilful in ill-doing. For my own part I am led to think that everything which checks impulse, everything that makes the too intense nervous vibration spread itself out on the surface, tends to moralize, and that to furnish a brain is inevitably to make it wiser. No doubt this is but the passing of force into ruse, but a man could not become better except by the delay of the second part of the reflex (act after impulse). Ruse is not goodness, but by the fact that it temporizes, that it allows the for and against of things to be faced and interests to be consulted, constitutes a first step towards mildness and a relative civilization. We shall then do well to regret nothing, to dispense primary instruction as widely

as possible, while giving it a more practical tendency, to develop the man on the spot where he is, to make of the peasant's son a peasant very expert in his art and a lover of the land, instead of a *manqué* dweller in cities. Overcrowding, town life, vicious surroundings, bad example; it really is all these that turn the feeble and purposeless into malefactors.

Now that we have applied ourselves to learn the cerebral mechanism in order to understand the criminal mind, we have reached this formula: in the case of one same brain and one same impulse, the final result, the accomplished act, will depend on education, that is to say on the quality of the images accumulated in the memory. And it may also be said that whenever one of our actions is not merely impulsive, every time one of them is deliberate, it depends on the free play of our collaterals, and on the value of the ideas with which our cerebral cells have been furnished. Our brain is a scene of struggle for accomplishment by mental images. What we call a good man is a vigorous brain in which mental representations of good conduct, prudence, and experience are so powerful, so completely occupy the ground, that evil impulses are immediately reduced to nothing almost without a contest. Such

a man has been well brought up and surrounded from his birth by wholesome example. Supposing that heredity counts for a quarter or a third in the genesis of crime, the influence of surroundings counts for the other two-thirds or three-quarters. After this, may we fairly hope that orthodox moralists will cease to repeat that saying of M. Desdouits, which I have already had occasion to quote: "What would result from the determinest principles, if they should pass from the state of theory into practice, would be not only a bad education, it would be the suppression of all education." For my part I can perceive only one doctrine that may, theoretically, lead to the suppression of education; it is the doctrine of Free Will, which teaches us that the least cultivated man is the nearest to wisdom, and that he finds within himself an infallible voice to warn him when he is about to enter upon the path of evil.

Yes, of a surety, education is of the highest importance. But who shall give it to the *gamin* of the outer boulevard, whose father is a drunkard and his mother a street-walker, whose only playfellows are young scamps, future rascals, for whom the supreme "*chic*" will consist in drinking at the *Assommoir*, leg-lifting at the Clignan-

court barrier-ball, adroitly robbing shop-fronts, and lastly, living on the wages of prostitutes? For to that strange "world" all this becomes a sort of ideal wherein one fails or another excels. In their terrible *milieu* the one who hesitates and stumbles on the wicked path is mocked and derided, but, on the contrary, how fervent is the admiration lavished on the bold and brisk young human beast who rivals the most practised scoundrel at the outset of his career! What can the teaching of the primary school avail against such examples, against such an atmosphere breathed at birth, against emulation and the point of honour thus turned upside down and inside out?

Let me now dwell for a brief space upon the efforts that are being made to do precisely that very thing which primary schools cannot do, and in the first place let me make mention of the *Union Française pour le sauvetage de l'Enfance*, presided over by Madame Jules Simon.[1] The object of this work of charity is to rescue children who are ill-treated, and children who are placed in moral danger by the ignorance or the bad-conduct of their parents. Aided by that law

[1] Mme. Jules Simon has died since this work was published.

of self-evident utility called the "loi Roussel," which allows unworthy parents to be set aside, the *Union Française* takes children away from the seene of misery and danger, and places them either in the *Établissements de Bienfaisance*, or with masters as apprentices. The *Union* has an asylum which receives these poor children before they are placed. An annual sum of fifty francs is reserved and put out at interest for each child, to make a little hoard for him on the day of his departure to begin life on his own account. I have seen some of these wretched little Parisians, some burthened by an evil heredity and others free from it, improve and literally become transformed under the influence of good treatment and upright example. The *Union* estimates, that out of 3500 "subjects" taken in and placed by its agency, Society has been endowed with 1500 good boys, resolved to earn their livelihood honourably, newly-armed for the good fight. The other 2000 were incorrigible. But is it not a fine thing to have saved nearly the half?

I must also indicate the *Œuvre de l'Adoption*, which receives orphan children whether legitimate or natural; the *Société generale de protection de l'Enfance abandonnée ou coupable*;[1] the *Société de patronage des orphelins agricoles*, founded in 1836;

[1] This Society has rescued 5000 children since 1880.

the *Patronage de l'Enfance et de l'Adolescence*, founded in 1890, which provides for and apprentices those waifs and strays of the streets who are so ready to follow every vicious example, and are picked up by the police; the *Ligue des Enfans de France*, founded by Mlle. Lucie Faure in 1895; the *Œuvre familiale des orphelins de la Seine;* the *Œuvre de Sainte-Anne;* the *Œuvre de l'adoption des petites filles abandonnées;* the *Société de l'orphélinat de la Seine;* the *Patronage des jeunes protestants en danger moral* (1896); the *Refuge de Plessis-Piquet* (1899), for young Jewish boys who have got into trouble; the *Maison familiale;* the *Œuvre des petites familles;* the *Garderies scolaires*, where care is taken of little boys and girls on their coming out of school until their parents return from the workshop; the *Société contre la mendicité des enfants*, &c., not counting the numerous "*œuvres de relèvement*," such as the *Société de Patronage des jeunes détenus et des jeunes liberés;* the *Refuge du bon Pasteur;* the *Société de protection des engagés volontaires élevés sous la tutelle administrative* (this means in the Houses of Correction); the *Œuvres de libérées de Saint-Lazare*, founded in 1870 by Madame Isabelle Bogelot, who is now "chevalier" of the Legion of Honour. And I would on no account omit, among

all these good works, that of the *Travailleuses de Popincourt*, founded in 1896 by the Marquis Costa de Beauregard of the French Academy, in imitation of those "College Settlements" which have already done so much good in England. Each day women who belong to the most aristocratic, the most charitable, and the most intellectual circles of Parisian society, go, in their turn, to the Rue de la Folie-Regnault, where they rent the ground-floor of a big factory, and there, surrounded by the children of the most populous quarter of Paris, anonymous, in the plainest attire, reserving nothing of their ordinary selves except their lovingkindness and their intelligence, they hold a sort of supplementary class for the little ones, teach the boys to weave baskets, the girls to hem handkerchiefs or sew petticoats. The catechism is not taught except by request, but to every child the precepts of practical morality are imparted.

These are beneficent attempts. In themselves there is something to be proud of. This is well-doing indeed, because it is the prevention of evil, because it puts forth a hand to lead tenderly and piously into the right way, because it multiplies wholesome example, because it teaches the value of work, and the return to nature, to the

country, to the healthful toil of the fields, far from those dense masses of men which are so formidable an evil, instead of blindly and cruelly punishing poor wretched beings, whose guilt, after all, consists of having drunkards for fathers, prostitutes for mothers, and having grown up among miscreants in the midst of contagion. Here is the logical remedy, the desired prophylaxis.

The duty that devolves upon ourselves is to multiply these institutions and to make them prosperous by every means in our power, by frequent appeals to private charity, without reckoning too much upon the administration, upon the State, upon the community, which could not suffice for all. Here, again, let us imitate those Anglo-Saxons, who are not only our masters in matters colonial, commercial, agricultural, and industrial, but who also know how to do good. Create, I repeat, create a multitude of these schools of practical morality, especially in the large towns. Then, indeed, it may be said of you that by the same deed you close prisons.

But excellent, legitimate, and conformable to what we know of the pathogeny of crime as are all the experiments that have been made up to the present time, we are obliged to regard them as halting and incomplete. The *Union Française*

reckons only 1500 cases of rescue among 3500 Parisian waifs collected and duly brought up by it, against nearly 2000 cases of failure. Can this proportion of young souls snatched from harm be sensibly increased? I believe it can, and thus:

Recall what we have said concerning the criminal mind. In the first place we have established the facts of the part which heredity plays on the one hand, and imitation on the other. In our contest with heredity, that is to say against drunkenness, tuberculosis, syphilis, and infectious maladies, we have our temperance societies and the whole arsenal of contemporary hygiene to assist us. All the institutions we have just enumerated are formed for the detaching of children and young people from the deleterious *milieu*, and we are armed with the excellent Roussel law. But, even when they have been put out of the reach of contagion, these poor little unfortunates are none the less impulsive, neurotic, ill-balanced, ill-disposed beings. In some we find symptoms of neurasthenia with its great and sudden mental oscillations, from depression to anger, from timidity to excessive daring; others we discover to be little hysterical subjects, readily affected by the fixed idea, by contraction of the field of consciousness,

by maladies of the memory, by oblivion of everything else in the presence of a tempting object; some are merely absent, melancholy, lazy or choleric, and one must be of the craft to recognize neurosis in them; certain among them, more seriously ailing, are manifestly epileptic.

It must then be repeated, for this is a thing proven, that the existing resources of mental therapeutics can be of great use in such pathological conditions. The remarkable research into neurosis and the fixed idea made by M. Pierre Janet, and my own modest studies of neurasthenic cases, enable me to state as a fact that a well-informed and patient neurologist-physician can do much for these ailing minds. We can improve the moral condition of men of fifty years old. Now it is a rule almost without exception that the younger the patient is the more good we can do him.

In reality, there are not any of these disordered brains which may not be placed in one of the three classes of neurosis; epilepsy, hysteria, neurasthenia. In the case of ill-behaved children, their fits of passion are very frequently nothing but attacks of masked epilepsy, described by M. Fabet under the denomination "petit mal ou grand mal intellectuel." In these cases, bromide of potassium

and classical treatment will produce appreciable results. In the case of hysterical "impulsives" who are driven wild, blinded, and, so to speak, have the rest of the world shut out from them by the least desire, M. Pierre Janet excels in getting at the latent fixed idea, hunting it down, and replacing it by another idea of a wholesome and useful kind. I know of cures effected by him which are marvels of ingenuity, patience, and therapeutic skill. In neurasthenic cases, we all know that much can be done for those troubled brains, so readily disposed to anger, to lively hope and deep discouragement, by a wholesome rule of life, a suitable dietary, and methodical stimulation of the nervous system. Repair their nutrition, and you will find them gaining strength of mind, becoming coherent, acquiring stability, losing bad habits and forming good ones.

To believe in these cures one needs to have seen them often. What am I saying? One needs to have wrought them or to have been cured in one's own person. I shall shortly publish a selection from my own "observations," closely followed and carefully taken; among these a great number exist which place beyond all doubt the efficacious action of our stimulants for the nervous system upon the state of the vitality, and the

nutrition of the brain, and in a secondary sense of the moral conduct.

One of the masters of contemporary psychology wrote to me recently on the subject of a former work of mine, *La Médecine de l'Esprit;* the following passage occurred in his letter: "I think the treatment of the mind a more delicate matter than doctors hold it to be, and I assure you that my confidence in their purely external modes of action is but slight. I hold that it is upon the main-spring we must act, and that main-spring is feeling, it is idea. You admit the strength of physical habits, why do you not still more fully admit the strength of moral habits, of good feelings inculcated early in the life of the child, of generous ideas introduced by degrees into his mind? If dry friction or the injection of salt water can be of use, why not direct action upon the feelings and the thoughts, and in a greater degree?" To these objections, which must naturally suggest themselves to the mind of every one who reads us without seeing us at work, we can only reply by facts. Now the facts demonstrate to us that good feelings take feeble root in a brain whose nutrition is slack, that we must cure neurasthenia, hysteria and epilepsy if we would at the same time ameliorate the

characteristic mental condition of each of our neurotic patients. Give quick circulation, active nutrition, to the grey surface, restore their freedom of action to the collaterals of its cerebral cells, break the chains of their bad habits, for they have habits, and your patient will regain better memory, stronger will, and more deliberate judgment at the same time. How often have I made the following experiment: out of ten children, there will be four who attend to good advice, who willingly take in generous ideas, and there are six who rebel against education. Treat the latter six, give tone to their nerve centres, or methodically moderate them, and three or four out of the six will promptly become docile, attentive, and as capable of progress as the former four. Is not this demonstrative?

Also my dearest dream would be to found a Work of Preservation in Paris, as the complement of all the others, which should be simply a dispensary for nervous children. It is to us that the "mauvais sujets" of the *Union Française pour le sauvetage* on whom habitual moral treatment takes no effect, and education and instruction are wasted, should be sent. Among those sufferers we also should find rebels against our methods, but I am convinced by experience that we might

do good, a great deal of good, to a large number, and that our work, purely medical, would contribute in a far more considerable degree than will commonly be believed, to the lessening of the number of criminal minds.

Is not this, in very truth, a hope sufficiently definite, an ambition sufficiently lofty to tempt more than one generous mind, and to stimulate the zeal of any physician who is fully conscious of the greatness of his mission ?

And as for those who will not yield to our treatment, those whom we shall fail to cure, are we to let them go, to cast them back upon the world, when we know how dangerous they are, how vicious their very temperament is ? I have already given expression to ideas on this subject which have received the honour of discussion, and I will briefly reproduce them here, while profiting by the objections that have been raised against them.

Let us, I have said, multiply refuges for mischievous and wicked lads, and if the education given to them there takes no hold upon them, let us, instead of turning them out when they reach their majority, create secure asylums for them, or send them to vent their impulses on the pirates of Tonquin or the bandits of

Madagascar. M. Paul Adam, a romance-writer who abounds in striking ideas, has written a series of remarkable articles (since collected in a volume), in which he demands that our colonial troops shall be henceforth recruited among our convicts, who, instead of living at our charge in French prisons, shall be enrolled for service in the lands of baleful sun-rays and intermittent fever, where their natural tendency to murder and pillage may be utilized and become a "quality of war." This proposal produced an explosion of indignant protest from the press: "Respect the Flag!" was the cry; "the soldier is, by definition, a noble being; to desire to place the refuse of society on his level, to give him the criminal for his brother-in-arms is vilely to degrade him." The project of M. Paul Adam does indeed appear to me difficult of acceptation; but another may be conceived in the same order of ideas, while less repulsive to the mind in practical execution.

Let us frankly face the data of the problem.

In spite of all the phrase-making that goes on in the Chamber concerning colonial expeditions, every one of us knows that those far-off military exploits are, in reality, wars of trade. Outlets for commerce are created, and quite rightly. I am one of those who believe in the social utility of a

colonial empire and the reawakening of our old genius for expansion. These wars are in no respect to be compared with wars in the defence of the soil of the mother-country. For two sorts of wars let us have two sorts of troops. After all the atrocious and absolutely useless occurrences of the Madagascar campaign, it has become evident that we must have, besides the French army, which we have no right to deliver over to marsh-fever, another less precious army which we might employ without great remorse, which the nation might expose, without too much maternal anxiety to the severity of climate, the malignity of microbes, and the treachery of savage tribes.

Let it then be agreed that the citizens of an old country like ours are not all equally valuable. Without reference to criminals, of whom we cannot make regular soldiers at any price, there are the "mauvais sujets," the hot-headed and the obstinate, who have every chance of going to the bad at one time or another: these "bad lots," a source of misery to their families and a constant danger to society, might be tamed by discipline without very great trouble, might become elevated in the scale of humanity by the practice of arms, and calm themselves down by the fighting and fatigue

of a war in which the actual fate of the country is not at stake. The foreign legion, which has done so much good service, is on a comparable moral level. And these would be adversaries quite worthy of the Black Flags, the Touaregs and the Hovas, who are a very bad lot in their own way. We ought to be able to form a colonial army with the "makings" of murderers, thieves, and anarchists in order to prevent them from being made. But how are we to know them for such before they have committed crimes? Who is to tell the tares from the good grain? I see many difficulties in that, but is there not already in existence, among the number of preventive good works which we have enumerated, a *Société de protection des engagés voluntaires élevés sous la tutelle administrative*, which is already doing good service and might lend us valuable assistance? This admirable society, founded in 1878 by M. Fournier, the former President of the Council of Inspectors-General of Prisons, and Felix Voisin, the former Prefect of Police, two men of the highest intelligence, recognized as of public utility in 1881, and awarded a first prize at the Universal Exhibition of 1889, on January 1st, 1897, reckoned 2378 "*patronnés*," one third being young prisoners, 369 sentenced minors,

and the rest composed of assisted or morally abandoned children. The greater part of these have done honour to its patronage; 1962 conducted themselves well, 416 conducted themselves ill or passably; 244 re-enlisted; 367 had a grade. In this respect the success of the society, the good influence of its guardianship, are growing year by year; the proportion of its wards who have grades has risen from 13 to 15 and 16 in the 100; and besides, 951 have savings-bank books for a total sum of 95,805 francs.[1]

No doubt the reformation of a good many of the wards of the *Société de protection* is sufficiently complete to make it desirable to keep them in France. But the others, the worst, the idle, the thoughtless, those who reject education, but love adventure and fighting, the quarrelsome ones, whose delight is to do harm with all their might, the "hot-heads," to use the current expression, might we not make these the very basis of our colonial army? Let us remember that the circumstances of their lives will turn their brutal instincts either towards murder or the rough courage of the condottiere. Formerly, when war was frequent, almost constant, these people enlisted, and expended their craving for acts of violence, their

[1] *Paris charitable et prevoyant.* Plon, Paris.

love of pillage, their superfluous force in short, upon the enemy. We have now lived through more than a quarter of a century without a European war, and it is not impossible that one of the assistant causes of the increase of criminality may be found in that fact. Our populations are taking to alcohol, an abundant source of irritation for the brain; they no longer fight, and that irritation finds no legitimate vent. For the people we are considering murder affords that vent.

Nobody would entertain the idea of making European wars for the relief of nerve disease; but distant expeditions may be of public utility from that point of view. Since it is not in our power to prevent certain men from having an excess of strength which gets into their head and must expend itself, let us try to convert their over excitement into an arm at the service of the community; let it be employed to defend us from the fierce, treacherous, and brigand-like tribes, who are false to their oaths and whom we are forced to fight in our distant colonies. Why should we not address our *mauvais sujets* in some such terms as the following:—

"The passing hour is absolutely decisive for you. If you return to the life of poverty and bad company that awaits you, before a year is out you

will be in prison. But here is something better for you. The State gives you a uniform, good pay, and a free passage to Algeria, where you shall be placed in a special battalion, under discipline that will tame you, harden you progressively to the fatigue of service, and acclimatize you to the heat of the sun. You shall lay out roads, you shall build railroads, you shall do a great deal of marching, and some fighting now and then; your bad nerves will be worn out, while your health will become good. Later on, you will be utilized in more inclement climates, on the West Coast of Africa, at Tonquin, on the island of Madagascar, and there you will hold out admirably where the troopers of twenty in our 200th line died miserably. You will be brave on the field of battle, and your consciousness of your value will enable you to gain some respectability there. Then, when at forty you shall have become steady and sensible, when your superfluous strength shall have been fully expended, you shall colonize, and become the father of good citizens in a new country where nobody will care to know what sort of *mauvais sujet* you may have been."

Such is the project, far off, no doubt, vast, and consequently difficult to realize, which I put forth

some time ago. On that occasion, more than one critic[1] reproached me with desiring to arm the physician with a discretionary power, by giving him the charge of discerning the *mauvais sujets*, the criminal grain. And indeed, perhaps my project as I conceived it in the first instance was open to that objection. I ask no better than to restrict here and now the share and the responsibility of the members of my profession. Perhaps, however, it may be granted to me that their advice will not be useless in ascertaining the state of a nervous system and judging what hopes of its presumable amelioration may reasonably be entertained. Let us, then, entrust to the Governing Committee of the *Société de protection des engagés voluntaires*, reinforced, if it be thought advisable, by some competent doctors, the task of inducing the young men with whom it is accustomed to deal,—and who have given sufficient proofs of their evil instincts, hereditary or acquired,—to enter the colonial army. I sincerely believe that it is in this way our European countries ought to endeavour to get rid of a certain number of human organisms which would be as useful to the colonies as they must be harmful here, and of whom it is possible to make very good

[1] The late M. Francisque Sarcey was among these critics.

fellows, perhaps even heroes, by placing them in the *milieu* of hard labour and frequent fighting which is so well adapted to their excess of strength, their extreme temperament. A colonial army made of our hot-heads, our hypersthenic nervous subjects, our paroxysmal temperaments, is, in my belief, the ultimate term and the necessary outcome of that prophylaxis of crime to which this study of our most recently acquired and surest knowledge concerning the structure and the working of the human brain has logically led us.

The general plan for its own defence against assassins, murderers, and thieves which society ought now to adopt, as it appears to me, may then be stated on broad lines as follows :—

A.—PROPHYLAXIS OF EVIL.

I. *Struggle against heredity.*—By the lessening of infectious diseases and of the intoxications (notably alcoholic) which constitute, in the great majority of cases, the predisposing cause, the tendency to paroxysms (mechanical state of irritability of the cerebral surface, caused by existing anatomical lesions, or paralysis of the elements of the association of images and ideas).

II. *Development of Instruction,*—so that the bad impulse, instead of passing through an empty

brain without any trouble, shall be constrained to pause on the way at some of the images by which it is filled. The delay of an impulse is the beginning of good. It is above all necessary that instruction be practical, technical, and professional, that it endeavour to keep the peasant in the country by making him a good agriculturist, instead of inspiring him with delusive hopes.

III. *A Moralizing Education.*—Removing children from their evil surroundings and *milieu* of corruption, from their unworthy parents, if need be, and placing them for preference as apprentices in the country.

IV. *Cerebral therapeutics and hygiene.*—The creation of dispensaries in all the great centres for nervous children, where young epileptic, hysterical, and neurasthenic subjects, and also dull, slothful, passionate, or sullen children, shall receive suitable medical treatment, with a view to repairing their vitality, the nutrition of their brain, their mental cohesion.

V. *Organization of a colonial army of "mauvais sujets."*—Allowing the utilization, for the common good, of brains subject to paroxysm which have not been sufficiently improved by the means enumerated above.

No one will deny that the methodical and progressively extended application of this programme would be calculated to decrease the necessity for the employment of our other means of defence, of the methods of repression, which we have proposed to reconstruct as follows :—

B.—REPRESSION OF CRIME.

I. Specialization of the criminal magistrate and re-organization of the Cour d'assises.

II. More frequent and more instructive psychological investigation of inculpated persons by medico-legal experts.

III. Creation of hospital prisons for insane criminals or great neuropaths.

IV. A wide application of the Bérenger law and the system of modern prisons—the Fresnes-lez-Rungis type—to criminals by accident; increased severity of treatment for relapsed convicts and criminals by temperament.

V. Alteration of the means and multiplication of the number of capital executions.

It has been said over and over again that criminologists who base their doctrines on the science of the brain of man seem to care only for the defence of the wicked against the

just vengeance of the good. Perhaps it may be acknowledged that the preceding conclusions are not inspired by false sentimentality. Perhaps we may be given credit for some solicitude for the preservation of honest people, and perhaps it may be acknowledged that we shall probably owe some serious practical improvements to a less empirical knowledge of the conditions of the production of evil.

A highly intelligent man said to me recently: "I have followed your studies of the criminal mind, and, theoretically, I deny Free Will and moral responsibility as radically as you do yourself. As a philosopher your opinions are mine; but if I were the benevolent tyrant of whom Renan speaks, I should prohibit your teaching and suppress your books. Practically you may be dangerous."

Well, the outcome of the "study" which my readers now have before their eyes in its entirety tends to prove the contrary, and shows how Truth, hitherto so much dreaded by the majority of leaders of the people and teachers of men, is, in reality, only beneficent and moralizing.

The necessary condition of morality is humble and simple Truth. It is by the light of the Truth that we have hitherto taken our forward

steps. We must not then fear to look it full in the face, to brave its momentary annoyances: wisdom lies always at the end of the effort which it costs.

Poor human beings that we are, we can only hasten on our way to better things by taking full cognizance of the real humility of our condition, and notably of the mechanism that determines us. It is the most harmful and hindering of errors to regard ourselves as free agents, capable of acting of our own selves, thanks to the divine spark. The Creator has made of us a fine machine for the transformation of sensations into movements: let us learn well what that machine is, and not delude ourselves at the suggestion of foolish pride. So soon as we shall have consented to understand how actions are produced, by what concourse of circumstances we are inclined to evil, we shall begin to be able to avoid its causes, and to know how to remedy it.

Belief in liberty has kept us, from the earliest ages, in the routine of inadequate repression and insufficient intimidation. Its scientific negation, the right understanding of the working of the human brain, and the study of crime as pathological phenomena, cannot

fail to lead in a relatively short time to the decrease of crime, by that mental hygiene, by that "Medicine of the Mind" which, though still young, has already so amply proved its virtue.

THE END.

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INDEX TO CATALOGUE.

	PAGE
New Editions of Famous Sporting Books . .	2
New Works of Fiction	3
Gaboriau's Famous Novels	4
Paul Bourget's Stories	4
New Books and New Editions	5, 6
Half-bound Library of Fiction	7
Balzac's Works	8-10
Novels by the Sisters Brontë	11
Fitzgerald Molloy's Works	11
F. E. Smedley's Novels	12
Miss Braddon's Novels	12
New Fiction	13-16
Books for Boys and Girls	17
Sixpenny Novels	18, 19
Books arranged Alphabetically under names of Authors	20-32

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